United Nations CEDAW/C/CHI/4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
17 May 2004
English
Original: Spanish

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women

Fourth periodic report of States parties

Chile*

* The fourth periodic report of Chile was received by the Secretariat on 17 May 2004. For the initial report submitted by the Government of Chile, see CEDAW/C/CHI/1, which was considered by the Committee at its fourteenth session. For the second periodic report submitted by the Government of Chile, see CEDAW/C/CHI/2, which was considered by the Committee at its twenty-first session. For the third periodic report submitted by the Government of Chile, see CEDAW/C/CHI/3, which was considered by the Committee at its twenty-first session.

04-36569 (E) 020804

Fourth periodic report of the Government of Chile on the measures adopted to implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women

Republic of Chile

April 2004

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Foreword

1. The Government of Chile presents herewith its Fourth Report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The purpose of this document is to fulfill the obligation of Chile to report on measures taken to give effect to the international human rights treaties to which it is signatory. In particular, it provides an account of the measures taken, the progress achieved, and the difficulties encountered in implementing the rights embodied in the Convention. This report covers the four-year period from January 1999 to December 2002.

2. Since its third report was submitted in 1998, Chile has made significant progress in relation to the status and condition of women in the country, both in terms of legal reforms and in public policies, programmes and activities carried out during the period. Nevertheless, obstacles to full equality between Chilean men and women still persist in some areas, leaving women in a position of disadvantage. For that reason, this report attempts to reflect the current reality, reviewing both the successes and the difficulties, recognizing that many of those difficulties have nothing directly to do with the determination of the Government of President Ricardo Lagos to accelerate the pace of reform toward eliminating gender-based discrimination.

3. Preparation of this report was an interdisciplinary effort that involved various ministries and agencies, under coordination of the National Office for Women's Affairs (SERNAM). The methodology used included seeking inputs from the various public agencies and systematizing the information on the areas addressed in the report. It also required agreement on the basic criteria to be used, as well as continuous coordination with the responsible officials in each government entity. The authors of the report are grateful to those ministries and agencies for their cooperation in obtaining and analyzing the information presented here.

4. The body of the report is organized in two main chapters. The first deals with general aspects of the status and condition of women in Chile, and their trends over the past decade[1]. The second presents information on government policies, measures and legal initiatives for implementing the CEDAW commitments. This information is organized according to the articles of the Convention, grouped under eight topics that include issues relating to women under various United Nations resolutions. This last chapter also contains the responses of the Government of Chile to the observations on the previous report as formulated by the CEDAW Committee.

[1] A 10-year period was selected for the analysis, despite the fact that the report covers only four years, to reflect the 17th Population and Housing Census that was conducted on 24 April 2002. That census, which is conducted every 10 years, provides very useful data on population trends as they relate to Chilean women, and it was felt that this report should reflect that information.

I. Introduction

5. During the 1990s Chile went through a process of democratic restoration and consolidation and of swift integration into the international economy, which was accompanied by a high rate of economic growth. These processes brought the country political, economic and social stability, as has been widely recognized domestically and internationally. Nevertheless, a number of aspects of the country's institutions still need to be democratized by means of constitutional amendments. In particular, changes must be made to the practice of appointing senators, the composition of the National Security Council, the inability of the President of the Republic to remove the Commander in Chief of the Armed Forces and the "binominal" electoral system that is still in effect.

6. It will also be important to ensure that the fruits of economic growth reach the entire population more equitably, and in particular that they benefit low-income women. Chile's accelerated integration into globalization processes and its openness to world markets, as expressed for example in the recent Association Agreement with the European Union, free-trade treaties with the United States and with South Korea, have highlighted the important economic, social and political implications that this trade liberalization process has for the country's development. One of the remaining challenges is to analyze the impact and the potential that those processes mean for women, to take the steps necessary to avoid negative impacts on women, and to ensure that those processes constitute a real opportunity for improving the status and condition of women in the country.

7. The country has experienced profound transformations in the last decade that have had a significant impact on the way Chileans live and on the way they relate to each other. Within a relatively short time, our people have seen swift changes in that have meant modifications in their cultural patterns, their points of reference, their lifestyles and their family structure, as well as in the mechanisms of social mobility and in the individual's relationship to society[2].

8. The status of Chilean women has also undergone important modifications during the period, and these have been felt simultaneously in demographic changes that have affected the population as a whole. In particular, the demographic growth rate is declining, and the population is gradually aging; the population, and in particular the female population, is becoming steadily urbanized; fertility rates are dropping; the number of households headed by women is increasing, and young women have better educations, including more university degrees.

9. These processes and changes, together with the policies pursued by the country's democratic governments in recent years, have brought progress for women on many fronts. Yet discrimination persists in some areas, both in terms of legislation and its application, and in practices that still reflect stereotyped and discriminatory concepts. Important challenges remain to be addressed in order to ensure that the country's progress has a positive impact on the condition of all Chilean women. We must press ahead with public policies to make these changes a reality so that women can participate, under conditions of equality, in the country's political, social, cultural and economic development.

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[2] "Osadía de la Prudencia. Un Nuevo sentido del progreso" ["The Boldness of Caution. A new meaning for progress"], Ernesto Ottone and Crisóstomo Pizarro, Santiago, 2003.

II. The current situation of Chilean women

10. This section reviews the major changes that have occurred over the past decade in Chilean society, particularly as they relate to women. The information is taken from the 17th Population Census and the 6th Housing Census, conducted on 24 April 2002.

· Population and geographic distribution

11. According to the 2002 census, the country's population rose from 13,340,401 in 1992 to 15,116,435 in 2002, representing an increase of 1,768,034 people over a period of 10 years. Between 1992 and 2002, Chile's population grew at an average annual rate of 1.2%, less than the rate recorded in the previous decade, when the annual rate averaged 1.6%. This declining rate of population growth places Chile among the four Latin American countries with the lowest population growth at the beginning of the 21st century.

12. In 2002, as in previous years, women outnumbered men. Currently, there are 7,668,740 women and 7,447,695 men living in Chile, which represents a population breakdown of 50.7% women and 49.2% men. The gender distribution of the population has remained almost unchanged since 1992. In 10 years, the femininity index[3] declined slightly from 104 women to every 100 men in 1992, to 103 women to every 100 men in 2002.

13. In recent years, the country's urbanization rate has been rising steadily. The population is increasingly concentrated in urban areas, where women predominate. In 2002, the percentage of the population living in urban areas was 86.6%, with 13.4% living in rural zones. In 1992, 83.5% of the population lived in urban areas, and 16.5% in rural zones.

14. Women represent a larger portion of the urban population than do men, while the reverse applies in rural areas. The femininity ratio has also varied over the last decade by area of residence. In urban areas, while there are proportionately more women than men, the femininity ratio declined from 108 women in 1992 to 106 for every 100 men in 2002. In rural areas, on the other hand, while there were 86 women for every 100 men in 1992, there were 87 women for every 100 men in 2002.

15. The greater proportion of women relative to men in urban areas reflects the lack of employment opportunities for women in the countryside, a situation that has driven many of them to migrate to the cities. Nevertheless, integration of these women into the urban work force normally involves precarious employment and low wages. Moreover, the decisive factor behind these small changes in the femininity index is the gender differential in mortality rates, which has changed over time, and with people's age.

16. The foreign-born population has increased, reflecting primarily immigration from South America. The foreign-born female population exceeds the foreign-born male population. The 2002 census recorded 184,464 resident foreigners in Chile, accounting for 1.2% of the total population. In 1992, the number was 105,070, representing 0.8% of the population. As with previous instances, most foreign

[3] The femininity index is the number of women to every 100 men.

residents (67.9%) came from South America. Women represent 51.5% of foreign residents, and men 48.5%.

· Population and age groups

17. There has been a persistent decline in the under-15 age group and an increase in older adults. In this latter age group, women clearly outnumber men. According to the 2002 census, 25.7% of the population is under 15 years, and 11.4% is 60 years or older. By contrast, in 1960 those two age groups represented 39.6% and 6.8% respectively.

18. The greatest difference in the population distribution by sex is found among older adults, where the clear female majority is explained by women's universally longer life expectancy. This longer life expectancy, and the gradual increase in the older population, poses a challenge for public policies, in the sense of extending public services to this segment, and particularly to older women, given their greater vulnerability.

· Fertility

19. Chilean women now have a lower fertility rate. In recent years, the reproductive behaviour of Chilean women has been changing. According to the 2002 census, the average number of children per woman is 2.3. In the years prior to 1960, the average was nearly 5. In 1992 the number of children per woman was 2.39 nationwide, while in 2002 this figure declined to 2.26, demonstrating the persistent downward trend in the fertility rate.

20. Urban women have fewer children on average than do rural women. In 2002, there were 2.1 children per woman in urban areas, and 2.9 children per woman in rural areas. The average number of children per woman declined in both urban and rural areas, but in the latter case, although rural women have more children, the average declined more sharply. In urban areas, the average number of children per woman fell from 2.3 in 1992 to 2.1 in 2002, while the decline in rural areas was from 3.2 in 1992 to 2.9 in 2002.

21. Despite the downward trend in the fertility rate, there has been an increase in the average number of children among younger women, under 20 years of age. Figures for 2002 show that the average number of children for women aged 15 to 25 declined in relation to the previous census. Thus, in 1992 the average number of children for women in this age group was 0.45, while in 2002 it was 0.43. Yet when that age group is subdivided into segments of 15 to 19 years and 20 to 24 years, the average number of children for women under 20 years rose from 0.15 to 0.20, while for the older group the situation was reversed, declining from 0.77 to 0.64. These data are especially significant when it is recognized that the figure for younger women includes teenage pregnancies, and this poses a special challenge to public programmes designed to prevent early pregnancy and to promote family planning.

22. Women aged 50 and over have had nearly four children on average, while the figure for women between 30 and 34 years is 1.8.

· Marital status

23. There is a tendency towards less formal partnership relations. Fewer persons are declaring themselves married, while the "cohabiting/partnership" category is rising. Although the percentages of single and widowed persons have remained constant, the categories of "separated" and in particular of "cohabiting/partnership" rose significantly during the decade (from 5.7% to 8.9%), while the proportion of married persons declined from 51.8% in 1992 to 46.2% in 2002.

24. Marriage annulments have been rising, and there has been a particular increase in the number of persons who are separated. In both categories, the percentage of women exceeds that of men. Separated persons as a portion of the population rose from 3.4% in 1992 to 4.7% in 2002. Consistent with the rising trend of annulments and separations, the proportion of women in annulled status in 2002 is nearly double that of men (0.6% and 0.3%, respectively), while the proportion of women who are separated also exceeds that of men (5.5% versus 3.9%). This situation reflects the fact that men more frequently remarry. This explains why the percentage of married men (47.5%) exceeds that of married women (44.8%) for the year 2002.

25. Widowed women outnumber widowed men by a wide margin, explained by women's longer life expectancy, which exceeds that of men by six years on average. In 2002, widowed women outnumber widowed men by nearly four to one (8.1% versus 2.2%). This is reflected in the fact that the proportion of female heads of household increases with age, which places these women in a situation of greater vulnerability that requires special attention and targeting by social policies.

26. It must be noted that civil status definitions in Chile are severely restrictive, and no longer reflect the country's social reality. Under the current legal system, people are classified only as single, married or widowed. Persons who are separated are recorded as married, unless they have obtained an annulment, in which case they are listed as single unless they subsequently remarry. Persons cohabiting are recorded as single or married, depending on their status prior to cohabitation. This situation reflects the fact that the civil registry has no categories for cohabitation, annulment and separations. The proposed bill on civil matrimony, discussed below, would extend legal recognition to nearly all these situations, and would have the effect of reducing discrimination against women in those situations.

· Female heads of household and types of household

27. There has been significant increase in the declared number of households headed by women, which rose from 25.3% in 1992 to 31.5% in 2002. The percentage of such household in urban areas increased from 26.9% in 1992 to 33.0% in 2002.

28. Educational levels and labour force participation rates for female heads of household are rising. In terms of the number of years of schooling, the educational level of female heads of household is significantly higher than it was 10 years ago, as it is for the entire population, and this is true both for those who have completed between seven and 12 years of schooling and for those who have more than 13 years. In particular, the percentage of female heads of household with 13 years of schooling or more rose from 9.7% in 1992 to 20.2% in 2002. As with the overall rate of female participation in the workforce, the percentage of working female

heads of household has been increasing: it rose from 34.7% in 1992 to 42.2% in 2002.

29. The number of household has grown, but the mean number of persons per household has declined. The number of households has risen by 25.7% over 1992. The mean household size nationwide is 3.6 persons, less than it was in 1992 (3.9). Household size has been shrinking in both urban and rural areas.

30. The nuclear family (father, mother and children) continues to predominate, but there has been a steady increase in single-person households. The nuclear family represents the most common type of household, at 57.0% of all households in 2002. The extended family is also significant, corresponding to 21.9% of all households in that year. There has been a gradual but steady increase in the proportion of single-person households, from 8.3% in 1992 to 11.6% in 2002.

· Education

31. Literacy in Chile has been rising steadily, and the literacy rate is higher among the female population. The proportion of persons aged 10 years and older who can read and write in 2002 is 95.9%, and is distributed virtually equally between men and women nationwide. In comparison to 1992, the literate population has grown proportionately by 1.2%: 1.3% for women, and 1.0% for men.

32. Over the decade there was significant progress in raising literacy levels, particularly for rural women, although that level is still below the level of urban women. The literacy rate in urban areas is 96.8% in 2002, versus 94.3% in 1992, and yet between those years the increase in the literate rural population was greater, from 85.97% in 1992 to 89.16% in 2002. The increase has been significantly higher for rural women: the literacy rate for rural women in 2002 is 89.2%, significantly lower than the equivalent rate in urban areas (96.7%), but it represents a greater increase over 1992, when it stood at 85.6%. This progress represents a narrowing of the urban-rural gap, especially for women.

33. Education levels are rising, especially among younger women, and the increase in the proportion of younger women with some higher education is especially significant. The rise in education levels for women is especially notable in the 25-29 year age group. In 1992, 34.4% of women in this group had only a primary education, while that proportion declined to 19% in 2002. In terms of the proportion of young women with only an intermediate education, the trend was similar although less pronounced, declining from 38.4% to 34.4%. Conversely, the proportion of women in this age group with some university education rose by nearly 10 percentage points, from 7.5% to 17.1%.

34. This educational progress among Chilean women is reflected in the rest of Latin America, where the female population is overall better educated, and in particular has more in the way of higher education. Nevertheless, as will be discussed below, there are still many forms of discrimination hindering the development of female human capital. In many countries of the region, young women with more than 10 years of schooling represent the majority, but their unemployment rate also exceeds that of men. This shows that more education, especially at the university level, does not yield the same return for women as it

does for men, i.e. it does not translate into equality of employment or of income for comparable years of education[4].

· Labour force participation

35. Women's participation in the labour force has risen sharply over the last decade, from 28.06% in 1992 to 35.57% in 2002, for an increase of more than seven percentage points. By contrast, the labour force participation rate for men declined by 1.49 percentage points over the same period. Despite this, Chilean women lag behind the female participation rate for Latin America as a whole, which stands at 45.2%.

36. The female participation rate is higher among all age groups, but the greatest increase is found among women between 25 and 34 years. In terms of age and sex variables, the greatest relative increase in the last 10 years was among women in the 25-34 age group, followed by those between 45 and 54 years. This situation could reflect the fact that women are starting their families later.

37. By contrast, the participation rate for men declined in all age groups, with the exception of that for the 55-64 segment, which rose slightly. The declining participation rate among men is explained primarily by the fact that young men (15 to 24 years) are delaying their entry into the labour market. This suggests that they are staying in school longer or are going on to higher education.

38. The participation rate of women is rising in rural and urban areas alike, although in the former case the rate is much lower (19.02% versus 37.81%). Despite this, the rate of increase has been close to seven percentage points, which implies that the change among rural women was relatively higher. The continued incorporation of women into the seasonal farm work force, associated with export-oriented agriculture, is probably one factor explaining this situation, and this poses the challenge of giving rural women access to jobs of better quality in terms of stability and working conditions.

39. Employed women have higher levels of schooling than men. Working women with 13 years or more of schooling account for 37.79% of their total, while the proportion for men in this category is only 26.83%. At the other extreme, 12.25% of women have very little schooling (six years or less), while the corresponding rate among men is 17.75%.

40. Employment is still segmented bi sex. Most working women continue to hold jobs that society considers as "women's work". The tertiary sector of the economy was the only one that saw an increase in employment for both sexes. Between 1992 and 2002 employment in the tertiary sector rose by 43.1%, while it declined by 20.5% in the primary sector, and by 1.1% in the secondary. The majority of women perform jobs that society has traditionally regarded as "women's work", such as service and technical jobs, each of which categories represents 16.5% of total female employment. Professionals and office workers account for 13.0% and 11.5% respectively. This pattern suggests that women's better education levels, which exceed those for men, have not succeeded in expanding and diversifying their employment opportunities.

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[4] ECLAC. Economic Commission for Latin America and the Caribbean. Social Panorama of Latin America, 2002-2003.

· Houschold appliances

41. There has been a significant improvement in labour-saving household devices that facilitate the domestic chores that fall mainly to women. New technologies, and electrical appliances in particular, have become much more accessible. In 2002, 20.5% of household had a computer, 23.9% had cable or satellite television, and 10.2% had an Internet connection. In 1992, only 48.2% of household had a washing machine, while in 2002 the figure was 78.8%; the percentage of households with a refrigerator rose from 54.6% to 82.1% over the same period, and for microwave ovens the increase was from 4.2% to 30.0%.

42. These figures represent advances that are facilitating women's incorporation into the workforce, by lightening their domestic burden. Nevertheless, they do not resolve the need for more substantive changes in the distribution of household responsibilities, much less the position of inferiority frequently accorded women within the family. Yet when it comes to the distribution of domestic chores, there has been a gradual improvement, in particular among younger people, even if there remains a long way to go before there is true equality between men and women, and the election of tasks is completely free and not biased by the dominant gender patterns.

III. Article-by-Article Report

1. The principle of equality of men and women before the law (Articles 2 and 15)

43. The period covered by this report saw a series of changes in legislation that represented substantive progress in guaranteeing equality for women and men in the enjoyment of the civil, political, economic, social and cultural rights.

44. Despite this significant progress, there remain situations where women are in a position of inferiority with respect to men, because of the persistence of discriminatory rules in the legal system, and the fact that certain legal initiatives for overcoming them are still making their way through the legislative process. As well, and despite the legislative progress that has been made, there are still some cases where the courts have handed down interpretations that have prevented this principle from being applied in practice in ways that would fully achieve its objectives.

· The principle of constitutional equality (Article 2.a)

45. Reform of the Political Constitution of Chile[5] explicitly establishing equality between men and women. Specifically, Article 1 of the Constitution has been amended to declare that "persons", rather than "men", are born free and equal in dignity and rights, and Article 19 (2.1) adds to the constitutional guarantee of equality before the law the proviso that "men and women are equal before the law".

· Equality before the law and elimination of discrimination in legislation (Articles 2b, 2c, 7, 15 No. 1)

[5] Law 19,611, published in the Official Gazette of 16 June 1999. Reform of the Political Constitution guaranteeing equality between men and women.

46. Law 19,741[6] amended the law concerning family abandonment and payment of alimony and support to ensure timely and equitable alimony provisions, and their effective enforcement. Among other things, it establishes the presumption that the father has sufficient income to pay 40% of the "minimum income" for a single child who is a minor, and 30% of the "minimum income" for each child if there is more than one. It also requires the court to order provisional alimony from the moment there are plausible grounds for establishing the right to alimony. In the case of minor children, the law requires the court not only to order provisional alimony, but to order the respondent to pay it within 10 days after notification. If the respondent cannot do so, he must produce evidence of this fact within that period of time.

47. That law also obliges the court, in the case of dependent workers, to order the employer to withhold support payments from pay. This means that alimony payments are to be deducted from the worker's salary and paid directly to the entitled recipient. The same rule applies in the case of dismissal, where the required alimony and support amounts must be deducted from any separation allowances payable.

48. Draft law[7] amending Law 19,325 on intra-familial violence[8]. This bill introduces amendments to the legal regulation of domestic violence, in order to overcome shortcomings in the current law. The intent is to optimize procedures and establish suitable penalties for the types of conduct prohibited. Among other things, it broadens the concept of family violence, establishes greater powers to request and grant protective measures, restricts the possibility of inter-party agreements, gives the police greater powers to act in emergency cases, and regulates the system of penalties.

49. Draft law[9] creating the Family Courts and establishing the Mediation System. The objective is to establish a specialized jurisdiction for dealing with family matters, with the standing assistance of professional interdisciplinary teams. It seeks to provide people with appropriate opportunities to reach cooperative solutions through mediation.

50. The difficulties with bringing this initiative to fruition have to do with the fact that modernizing the justice administration system has involved a series of priority legal initiatives intended to provide a comprehensive, coherent and efficient response to problems that, in the opinion of experts and the general public, need to be resolved in the current justice system. The scope of the proposed changes, and in particular the substitution of the inquisitorial criminal process by an adversarial process, has occupied much of the government's efforts and resources to date.

51. Law 19,688[10] amending the Constitutional Organic Law of Teaching embodies the right of access to educational establishments for female students who

[6] Published in the Official Gazette of 24 July 2001. Amends Law 14,908 on family abandonment and payment of alimony and support.

[7] Bill presented by the government on 30 August 2001. Status: under consideration in the Chamber of Deputies. The Family Committee is preparing an initial report.

[8] The Law on Family Violence has been in effect since 1994 and evaluations and monitoring reports on its application indicate that reforms are needed to make it more effective.

[9] Bill introduced on 30 May 2001. Status: under discussion in the Combined Committees of the Chamber of Deputies on the Constitution, Legislation and Justice, and the Family.

[10] Published in the Official Gazette of 5 August 2000. Amends law 18,962, the Organic Constitutional Law on Education.

are pregnant or are nursing mothers. Article 2 of this law contains the provision that "pregnancy and maternity shall not constitute an impediment to entering and attending an education establishment at any level. Such establishments must moreover grant the necessary academic facilities".

52. In its observations on the previous report, the CEDAW Committee noted "the persistent stereotypes of the role of women and men in society, ... including adolescent girls dropping out of school because of early pregnancy". It added, "the Committee notes with concern that only pregnant girls are expelled from private schools".

53. An important step forward in this respect has been the amendment to the Organic Constitutional Law on Education, to guarantee that students who are pregnant or are nursing mothers can enter and attend educational establishments. The intent here is not only to guarantee access for such students but also to ensure that they can remain in school, by giving them the appropriate academic facilities. Nevertheless, for this reform to produce its desired effects will require a longer process of consolidating support networks in other sectors of society beyond the education system, and both the education ministry and the SERNAM are working to this end.

54. Among the initiatives under way we may mention a programme intended to reduce the school dropout rate. The "High School for All" programme is sponsoring gender-differentiated strategies for addressing the dropout problem, recognizing that the underlying causes are different for males and females. In the case of female students, childcare provisions are being improved, as is the monitoring of maternal and child health.

55. Constitutional reform making 12 years of schooling compulsory[11]. This reform makes 12 years of school compulsory, and requires the State to guarantee free schooling to this level for all Chileans up to 21 years of age[12]. It declares that "basic education and intermediate education are compulsory, and the State must finance a free system for this purpose, intended to ensure access to it for the entire population. In the case of intermediate education this system, according to law, shall extend to 21 years of age".

56. Law 19,602[13], amending the Organic Constitutional Law on Municipalities, empowers the municipalities, among other things, to promote equality of opportunity between men and women.

57. Draft law[14] on sexual harassment in the workplace. This bill is intended to punish sexual harassment in the workplace which, according to figures from the Labour Department, affects around 20% of women. The bill criminalizes such

[11] Constitutional Reform promulgated on 7 May 2003.

[12] The bill, which has now become law, consisted of a single Article that replaced Article 19 (10.5) of the Constitution, to establish this new obligation for the State of Chile.

[13] Published in the Official Gazette of 25 March 1999. Amends law 18.602, Organic Constitutional Law on Municipalities, with respect to municipal management.

[14] Bill introduced on 24 October 1994. Status: approved by the Chamber of Deputies. It is currently at the second constitutional stage of processing in the Senate, and will be tabled by the Senate Labour Committee.

behaviour[15]. It amends the labour code to provide for the dismissal of persons who engage in sexual harassment of workers under threat of prejudice to the victim's career. If it is the employer who engages in such conduct, the worker may terminate the employment contract and demand legal compensation, as well as moral damages to be established by the court.

58. The bill allows a victim to claim all damages before the same labour court without having to turn to another tribunal, and it requires all firms employing more than 10 workers to adopt in their bylaws a procedure for lodging and processing complaints of sexual harassment. It also amends the relevant rules of the Statute of Administrative and Municipal Workers for enforcing the penalties for such conduct.

59. The government has attempted through various mechanisms to speed up the processing of this legal initiative[16]. The current delay reflects the fact that it has not been given priority for tabling in the Senate Labour Committee.

60. Law 19,617[17], amending the Criminal Code, the Code of Criminal Procedure, and other legislation relating to the crime of rape. This reform, of great importance to women, amended the criminal definition of rape to establish a new list of persons who may be considered victims, both male and female[18]. It eliminates abduction as a crime, since its definition required that the woman be a "maiden". It adjusts the definition of rape of a minor (estupro) to eliminate any discriminatory allusion such as the requirement that the woman be "of good reputation"[19].

61. The crime of sodomy has been amended to punish only homosexual relations with a minor. Homosexual relations between consenting adults, conducted in private, are no longer criminalized, except where such conduct constitutes rape, estrupro or sexual abuse

62. The concept of abusos deshonestos has been replaced by that of the straightforward abusos sexuales to convey the meaning of "sexual abuse". Marital rape is made a criminal offence, and the exception based on existence of a marital contract between the aggressor and the victim is eliminated.

63. In terms of procedures, the range of persons entitled to lay complaints of sexual crime has been expanded to include educators, physicians and other persons who have knowledge of such crimes by reason of their activity. Confrontation between the victim and the aggressor is eliminated, and any type of medical certificate may be accepted as valid evidence[20].

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[15] The Bill defines sexual harassment as any unilateral behaviour of a sexual nature unwanted by the person affected that negatively affects that person's career prospect. Such behaviour may consist of one or a series of acts whereby a person in authority sexually pressures a subordinate in return for career advancement, a salary increase, or other benefits such as vacations.

[16] Concerned over the slow progress of this initiative, the SERNAM, one of the sponsors of the bill, will submit a formal emergency petition to have the Bill promulgated by the end of 2004.

[17] Published in the Official Gazette of 12 July 1999.

[18] While the former legislation restricted the definition of rape to the vaginal penetration of a woman by a man, the current definition is broadened to include intercourse involving the vaginal, anal or oral penetration of any person.

[19] It is currently defined as abusing one's authority or taking advantage of the victim's inexperience to perform a sexual act, where the victim is either a male or a female between the ages of 12 and 18 years.

[20] Formerly, only a certificate issued by the Forensic Medicine Service could be presented as valid evidence.

64. Draft law[21] amending the Civil Marriages Act. The purpose is to revise the regulations for this institution, which date from 1884, to recognize that marriage breakdown is not an exceptional event, and that it requires thorough regulation of its effects, with recognition of various solutions ranging from judicial separation to absolute divorce.

65. The new bill deals with marriage breakdowns and provides for annulment, separation, and absolute divorce. It proposes modifications to the requirements of marriage validity, eliminating the rule relating to the competence of the civil official, raising the minimum marriageable age, and adjusting rules relating to defects of consent and the capacity to contract marriage. It regulates spousal separation, establishing that this consists of separation from bed and board, and suspends the duty of cohabitation and fidelity, and it establishes absolute divorce, creating a new civil status that allows for remarriage. In case of annulment, as well as of separation and divorce, the spouses must present a sufficient and complete agreement on their future relations.

66. In its observations on the previous report, the CEDAW Committee noted the following: "The Committee is also concerned at the absence of any provision for dissolution of marriage". On this point, the bill referred to provides for absolute divorce with the same requirements for men and women, and guarantees economic compensation for the spouse who has borne the bulk of childcare and domestic responsibilities.

67. The bill amending the Civil Marriages Act is now in the final stage of processing. The time taken to convert this bill into law reflects the ideological viewpoints of influential sectors of national life, which have a more conservative or religious approach to the institution of marriage and have resisted the introduction of absolute divorce. For a long time, this problem inhibited the executive from pressing for progress with the bill, something that is indispensable in an excessively "presidential" system such as that of Chile. The pragmatic commitment to divorce reform on the part of the government of President Lagos has resulted in a more proactive stance on the part of the executive, and this has helped to overcome those obstacles.

68. As anti-divorce sentiment in the country has subsided, public opinion surveys have shown that a majority of the population is favourable[22] to permitting divorce. These factors have given a boost to the initiative, which is now well advanced in parliamentary processing.

69. Draft law[23] amending legislation to strengthen women's right to participate in national public life. The purpose here is to introduce the quota system into the laws governing the organization of political parties, popular voting and elections, and municipalities.

70. In its observations on the third report, the CEDAW Committee declared its concern "at the low level of participation by women in politics and governmental

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[21] Formerly, only a certificate issued by the Forensic Medicine Service could be presented as valid evidence.

[22] A number of surveys have shown that around 80% of Chileans are in favour of legislation to permit divorce.

[23] Submitted on 13 March 1997. Status: the bill was referred to the Family Committee of the Chamber, which has not yet begun its consideration.

administration, especially at the decision-making level.... The Committee urges the government to strengthen actions undertaken through comprehensive strategies, including temporary special measures".

71. On this point, the bill governing the constitution and functioning of political parties stipulates that there must be procedures in place to ensure that neither sex holds more than 60% of party leadership positions. With respect to the proposed "democratic parity" quotas for parliamentary and municipal elections, no more than 60% of the list of candidates may be of the same sex.

72. Despite the importance of this initiative, and its active sponsorship by SERNAM, there have been difficulties in getting parliamentary consideration under way. Those difficulties relate to the lack of priority with which parliamentarians view the matter, a stance that is shared by some political party leaders and public figures.

73. Law 19,582[24] amending the Organic Constitutional Law on Municipalities, which allows a woman serving as mayor of a municipality to appoint a substitute while she is on pre- or postnatal leave, for up to 130 days. Formerly such an appointment had to be made by the municipal council from among its members: this frequently resulted in the appointment of a person from another political party or list, thereby affecting the continuity of municipal management during the mayor's period of leave.

Labour reform

74. The government has submitted a number of initiatives to Congress dealing with legal reforms to correct injustices or to improve the situation of male and female workers. Congress has been an active forum for discussion and negotiation in this respect, and has approved legislation covering some of the country's international commitments, while turning down others that were of equal importance from the government's viewpoint.

75. One of these initiatives is Law 19,759[25], amending the labour code in the following aspects:

- Respecting the individual rights of workers in the firm.
- Reducing the length of the working week.
- Protecting and strengthening workers' right to organize.
- Protecting workers during and after the collective bargaining process.
- Regulating new forms of employment.
- Strengthening the oversight capacity of the Department of Labour.

76. This reform allows for new forms of contracting that will encourage the employment of women, while at the same time ensuring their social rights. Thus, it prohibits discrimination in offers of employment, and incorporates two new rules into the labour code to provide greater protection for home-based workers, and to give explicit recognition to "teleworking". Another significant aspect for women,

[24] Published in the Official Gazette on 8 January 2003.
[25] Promulgated in December 2001.

given their difficulties in reconciling their various roles, is to reduce the work week through amendment of the following aspects:

· The ordinary working week is reduced from 48 hours to 46 hours, as of 1 January 2005.

· The 48-hour limit (46 hours as of 2005) on the workweek applies to male and female workers in telegraph, telephone and telex services, light and water utilities, and theatres. This amendment also benefits persons working in hotels, restaurants or clubs, who will continue to work a 10-hour day, but only for five days in the week.

· Overtime is restricted to two hours a day, and must be agreed in writing.

· Retail trade workers are granted two days off per month, which must fall on a Sunday, and are not cumulative.

· Part-time work is regulated.

· For seasonal farm workers, the reform provides specific rules to improve their working conditions[26]. For example:

- Intermediaries who recruit and supply farm labour and workers for agriculture-based commercial or agroindustrial businesses must register in a special registry kept for this purpose by the corresponding Labour Inspection Office. This rule will formalize the work of farm labour recruiters, and offer greater guarantees to seasonal workers. The Department of Labour will now be able to monitor those operators' compliance with labour standards, and this should improve travel conditions and security for workers recruited by these firms.

- The employer is responsible for maintaining proper housing and hygiene conditions for workers away from home; conditions governing the keeping, preparation and consumption of food, and provision of food when it is impossible for workers to acquire it themselves; and the provision of public transport if the worker must travel more than 3 km to the place of work.

- Seasonal farm workers' unions also have the right to propose a collective agreement to employers and to negotiate collectively before the season's work begins. These negotiations may establish common working rules and remuneration, including provisions for risk prevention, hygiene and safety; the distribution of working hours; standards regarding food, transport, housing and nursing room facilities. They may also establish rules on minimum pay governing workers affiliated with the union, and agree on the ways in which the contractual working and employment conditions will be fulfilled. In addition, the labour reform provides that employers whose working premises are located within the same commune may establish and maintain one or more daycare centres for their workers' children during the season.

77. These initiatives, among others that will be addressed in the chapter on women's economic and social rights, seek to reverse the occupational insecurity faced by female workers. They also involve measures that will meet the concerns expressed by the CEDAW Committee in its observations on the previous report, in which it stated its concern that "despite the efforts of SERNAM, women seasonal

[26] See Chapter 5 on Equality of Opportunity in Employment and Labour.

workers find themselves in a particularly precarious situation as regards working conditions, remuneration, and childcare".

- **Protection of maternity and shared responsibility for the development and upbringing of children**

78. Law 19,670[27] extends the maternity rights regime for one year to women and men, single or widowed, who declare before a court their intention to adopt a child, pursuant to the provisions of the adoption law. This protection begins on the date the court awards custody or guardianship to such workers.

79. This law also extends one year's protection under that regime to men, in case of the death of the mother. While Law 19,250 of 1993 had granted paternity leave to the father if the mother died at childbirth or during postnatal leave, it excluded him from the maternity rights regime for working mothers, which prevents them from being dismissed from work within the year following expiry of postnatal leave. The new law seeks to put fathers on an equal footing when taking paternity leave following a mother's death and therefore gives them access to the same regime.

80. Draft law[28] allowing more flexible use of maternity leave. The purpose is to amend the right to make use of prenatal leave so that, with a physician's certificate, up to three weeks of prenatal leave may be converted to postnatal leave, with the possibility of part-time work for an additional time so that the breast-feeding period can be extended.

81. Draft law[29] that extends the right for feeding children under two years to all working mothers. The intention is to expand the right of working mothers to two half-hour periods a day for feeding their children under two years of age, so as to encompass all female workers regardless of whether they have nursing room rights or not.

82. Filiation Act, Law 19,585[30] , amending the Civil Code and other legislation with respect to filiation so as to create equal status for all children born in or out of wedlock, and thereby establish for them full equality before the law. It also establishes the principle of identity and unfettered investigation of paternity and maternity, with the possibility to claim filiation before the courts.

83. This law makes both parents responsible for the care of their children, except in the case of separation, where responsibility will lie primarily with the mother, although the court may grant it to the father under justified circumstances. With respect to "paternal authority" (patria potestad), this law establishes a rule that is still discriminatory for women, in that if both parents are living together it is exercised by the father, while in case of separation it is exercised by the person who has custody of the children, which is generally the mother. Nonetheless, this rule has been difficult to implement because of problems that the woman frequently has in demonstrating de facto separation. This means that on many occasions the father is

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[27] Published in the Official Gazette of 15 April 2000.

[28] Notice submitted on 12 July 1994. Status: approved by the Chamber of Deputies. It is currently in the Senate, for tabling by the Senate Labour Committee.

[29] Parliamentary motion submitted on 23 November 1995. Status: approved by the Chamber of Deputies. Currently in the Senate Labour and Social Security Committee in the second constitutional procedural stage.

[30] Entered into force on 27 October 1999.

still required to appear, for example, to execute certain legal deeds affecting a minor child.

84. Law 19,711[31] regulating visiting rights for children in the custody of one of their parents. This law seeks to allow full and timely exercise of the right of fathers not living with their children to maintain a regular and direct relationship with them.

85. Law 19,591[32] amending the labour code with respect to the protection of maternity. This law prohibits any conditions relating to pregnancy that affect access, mobility, advancement and renewal of employment for women. It also eliminates the exception applied to women working in private homes, who were excluded from the maternity rights regime. It also expands nursery benefits for working mothers[33].

· Legal capacity and its exercise (Article 15 (2 and 3) and 16h)

86. Draft law[34] establishing a new property ownership regime to replace joint spousal ownership. This bill amends the Civil Code and other complementary legislation governing joint ownership or community of property, granting the wife and husband equal rights and obligations.

87. In its observations on the previous report, the CEDAW Committee expressed its concern "at the failure to protect women under family law, which restricts, inter alia, women's ability to administer their own or joint property". The bill referred to introduces important modifications to the matrimonial property regime, replacing the joint ownership system by one that establishes equality between husband and wife over the community of property. This new regime of "deferred community of property" is intended to eliminate the notion that the husband is the "head of the conjugal partnership", and accordingly is entitled to administer the property of the wife[35]. At the same time it does away with the institution of "separate property"[36] which was conceived as a form of compensation to the wife for the husband's administration of her property, and which no longer makes sense if the woman can now administer everything that belongs to her.

88. The processing of this bill has taken a long time, considering that it was initiated in 1995. This is because, on its way through the Chamber of Deputies, it was subjected to amendments of various kinds that tended to denature it. Currently, the executive is considering submitting a supplementary bill that would strengthen and improve the original idea.

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[31] Published in the Official Gazette on 18 January 2001.

[32] Published in the Official Gazette on 9 November 1998.

[33] The requirement for providing a nursery in any establishment that has 20 female workers or more applies not to an individual location but to the enterprise as a whole, which means that if there are at least 20 women working in the enterprise's various shops or premises, they are entitled to this benefit.

[34] Motion submitted on 17 October 1995. Status: in the first constitutional procedure (Chamber of Deputies). The Family Committee has begun consideration.

[35] The wife's property consists of the assets that she brought with her into the marriage, and those freely acquired during the marriage, through inheritance, legacy or donation.

[36] The "separate property" regime allows a woman who works separately from her husband to administer freely the assets she has acquired through her labour, and not to place them in joint ownership, provided she renounces her right to the assets acquired by her husband as administrator of the joint estate.

· Ratification of treaties and international agreements

International Criminal Court:

89. Chile has not yet ratified the Treaty of Rome. In 2002 it began the parliamentary approval process, but this was held up by opposition from a group of Deputies who submitted the matter to the Constitutional Court.

90. On 8 April 2002 that Court ruled that the Treaty, which contains the Rome Statute of the International Criminal Court, would require a prior constitutional amendment before it could be approved by the National Congress, and ratified by the President of the Republic. The Court justified its decision on the grounds that to incorporate a court of justice with competence to decide conflicts currently subject to Chilean jurisdiction, and to include it within the authorities established by the Constitution, pursuant to Article 74 thereof, must necessarily be authorized by the Constituent; and a constitutional amendment would be required if the domestic system is to be changed to allow the International Criminal Court to judge crimes committed in Chile".

91. On the day following the Constitutional Court's decision, 9 April 2002, the government submitted to the Senate a constitutional reform bill in which, following the example of France, Luxembourg, Portugal and Ireland, it proposed a transitional provision (No. 41) authorizing the Chilean State to recognize the jurisdiction of the International Criminal Court, in accordance with the conditions stipulated in the Treaty approved in Rome on 17 July 1998.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women:

92. The process of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, signed by the Government of Chile in December 1999, began with the bill submitted to the President of the Chamber of Deputies by the President of the Republic on 29 January 2001. The Foreign Relations Committee of the Chamber of Deputies, after receiving opinions from governmental authorities and representatives of private bodies[37], both favourable and unfavourable to ratification, approved the protocol[38].

93. The Chamber of Deputies in plenary approved the protocol.[39] The Senate took note[40] of its approval by the lower chamber. The Senate Committee on Foreign Relations tabled the question and debated it in January 2002 during the special legislative session[41], in the course of which the executive branch, which has the power to define the legislative agenda, withdrew the bill, and has not yet resubmitted it.

94. Proceedings in the Chamber of Deputies were not open to the media. Nevertheless, after approval, proceedings in the Senate were accompanied by an intense communications campaign of opposition, spearheaded by two of Chile's major press consortia that wield great power and influence over the news carried by

[37] In the course of five sessions between March and June 2001.

[38] By seven votes to one, with two abstentions.

[39] By 43 votes in favour, 20 against, and one abstention, at a session on 14 August 2001 that was attended by 64 members.

[40] At its regular session of 21 August 2001.

[41] Which ran from 18 September to 21 May.

television and by many radio stations. The main arguments used for rejecting the protocol were based on the charge that it would "hand over" national sovereignty to a body such as the CEDAW Committee, which it was claimed had the power to impose on Chile a law that would permit abortion. These arguments were outlined before the Senate Committee by the country's highest ecclesiastical authority, and were widely broadcast through the media by parliamentarians of the conservative opposition parties, conservative NGOs, and certain journalists and social communicators.

2. Antidiscrimination measures (Articles 2 and 3)

· Elimination of discrimination in legislation, acts and practices of public institutions

95. The National Office for Women's Affairs (SERNAM), was created in 1991 by Law 19,023, as the "agency responsible for collaborating with the executive branch in studying and proposing general plans and measures to ensure that women enjoy equality of rights and opportunities with men in the country's political, social, economic and cultural development process, while respecting the specific nature of women emanating from the natural diversity of the sexes, including adequate protection for family relationships".

96. One of SERNAM's key initiatives was to formulate and implement the Equal Opportunity Plan for Women 1994-1999. That plan proposed incorporating gender into all public policies, and was adopted by the executive in 1995 as part of its government programme.

97. The contents of this plan have been translated into legislative amendments designed to recognize and enforce the same rights for women and men, and into concrete steps that have promoted more equitable access for women to the benefits, resources and opportunities of development. There has also been progress in raising awareness of the present degree of inequality in interpersonal relationships, and in placing the issue of gender discrimination and inequality squarely on the public agenda.

98. SERNAM has subsequently built on this progress to prepare a second Equal Opportunity Plan for Women and Men, for the years 2000-2010[42], to consolidate gender policies in public institutions. This second plan identifies six broad, horizontal issues for attention, with their respective objectives, and guidelines for concrete activities to be pursued during the decade. Those issues are the following: guaranteeing a culture of equality of opportunities between men and women; promoting women's rights and their full enjoyment; women's participation in power structures and in the decision-making process; economic independence for women and reducing poverty; improving the day-to-day well-being and quality of life for women; and introducing the gender focus in public policies.

99. SERNAM has been putting together an operational plan at the national, regional and municipal levels, consistent with the priorities and needs of each locality, in order to give effect to the objectives and guidelines in the New Plan for Equal Opportunity. Those plans are still in the implementation phase, but they already constitute the main strategic instrument for guiding institutional

[42] The Equal Opportunity Plan 2000-2010 is included in the Annex.

management. Furthermore, in pursuit of the proposed objectives, initiatives, strategies and activities have been undertaken at the national level, and the country's 13 regions, each of which has a regional office of SERNAM.

100. One very significant advance has been the creation of the Council of Ministers on Equal Opportunity[43], to supervise and oversee implementation of the Equal Opportunity Plan and to incorporate policies with gender-specific content into government ministries, departments and enterprises. This body has represented a qualitative step forward in incorporating equal opportunity policies into public agencies. For the first time in Chile, gender issues can now be addressed from a broader perspective as matters of State, involving the various ministries in those policies.

101. This State perspective in addressing gender issues is ratified in the Presidential Instruction creating the Council of Ministers on Equal Opportunity, which declares: "Chile has assumed significant international commitments in this area, such as the Convention on the Elimination of All Forms of Discrimination against Women. Policies for equality must therefore be incorporated into all State affairs".

102. While recent years have seen progressive changes in the process of mainstreaming gender equity in State agencies, that process has been deepened since 2000, with clear indications that the gender issue is being incorporated into the key instruments of public management[44].

103. These instruments include the Management Improvement Programme (PMG), one component of which is to constitute a gender equity system to improve opportunities for women and men so that they will have the same possibilities to obtain and enjoy the benefits of public policies. For these purposes, all public institutions, national and regional, are required to review the goods and services they provide in order to identify any obstacles to gender equity and to propose solutions for ensuring that they are equally accessible and of benefit to all users.

104. This programme, which is coordinated by the Ministry of Finance and for which the SERNAM is the oversight body, is being implemented in the period 2002 to 2005. Its results have a direct bearing on the incomes of public officials: between 3% and 6% of their compensation is linked to their achievements under this programme.

105. At this time, information on the differential status of women and men is essential for taking public decisions. To this end, a process has been initiated for incorporating gender criteria into the official statistics of public agencies, in

[43] On 24 March 2000, Presidential Instruction 15 created the Council of Ministers on Equal Opportunity. The Council consists of: the Minister Secretary-General of the Presidency, the Minister of Economy, Development and Reconstruction, the Minister of Planning and Cooperation, the Minister of Health, the Minister of Education, the Minister of Justice, the Minister of the Interior, the Minister of Labour and Social Insurance, and the Minister responsible for SERNAM.

[44] Among the key instruments of public management are: the Basic Investment Statistics System (SEBI): a planning instrument coordinated by the Ministry of Planning and Cooperation (MIDEPLAN). The 2% Incentives Fund, which is coordinated by the Ministry of Finance in preparation of the budget and which includes the gender dimension in the instructions for presenting initiatives; the Government Programming Follow-up System, an instrument for monitoring commitments to equal opportunity, and public activities in general, created by the Office of the Secretary General of the Presidency.

coordination with the National Statistics Institute, INE. A number of steps have been taken in this direction, including: disaggregation by sex of public statistics, in particular those covering the users and beneficiaries of public services; the construction of a statistical database with information on the status of women and men over the last decade, which is accessible through the SERNAM web page; and dissemination of information on the country's women and men through a joint publication [45] of SERNAM and the INE.

106. International agencies, including the United Nations Development Fund for Women (UNIFEM), the UNDP and the German Development Cooperation Agency (GTZ), have recognized these measures as representing significant progress.

107. On another front, as part of its commitments to public-sector unions during the 2000 negotiations, the government of President Ricardo Lagos proposed creation of a Bipartite Commission to design an Equal Opportunities Plan for implementation within the central and decentralized agencies of the national public sector.

108. The Bipartite Commission was constituted in 2001, with representation from the Ministry of Labour, SERNAM, and the Central Workers' Confederation (CUT), which represents the unions of the central government and the national decentralized services[46], embracing more than 320,000 public sector workers, 56% of whom are women.

109. The purpose in preparing an equal opportunities plan for central and decentralized agencies of the national public-sector is to provide more protection and overall improvement in the conditions of women working in the public sector, in terms of modifying or correcting all situations that result in discrimination, exclusion or disadvantage on gender grounds, to the detriment of women employees.

110. In terms of promoting rights, the Women's Rights Information Centres (CIDEM), which SERNAM has sponsored since its creation, were converted into Information, Complaints and Suggestions Offices (OIRS)[47] in 2002. Within the process of modernizing the State, these offices fall under the Management Improvement Programme, as it relates to providing service to users, and are now part of a network of more than 150 public information offices.

111. The Information, Complaints and Suggestions Offices (OIRS) of SERNAM are designed to meet the needs for information on women's rights by providing ready access to information on services offered by the network of national public institutions, and on the exercise of civil rights. The design and functioning of these

[45] Mujeres Chilenas: Estadisticas para el Nuevo Siglo ["Chilean Women: Statistics for the New Century"].

[46] The following organizations participate on behalf of the CUT: National Association of Employees of the National Kindergartens Board (JUNJI); National Association of State University Workers (ANTUE); National Association of Fiscal Employees (ANEF); Municipal Employees' Association (ASEMUCH); Professional College of Nurses; Professional College of Teachers; National Confederation of Municipal Education Employees (CONFEMUCH); National Confederation of Health Workers (CONFENATS); National Confederation of Municipal Health Employees (CONFUSAM); Federation of State University Academics (FAUECH); National Federation of Employees of the University of Chile (FENAFUCH); National Federation of University Health Professionals (FENPRUSS); National Federation of Health Service Paramedical Technicians (FENETS).

[47] The OIRS were created by Presidential Decree 680 of September 1990, from the Ministry of the Interior.

offices is targeted at women, as a positive measure for equalizing conditions of access to information for men and women.

112. The OIRS are active in all 13 regions of the country, providing direct and indirect services to users. Direct service consists of individual attention (in person or by telephone), group workshops and public information sessions on rights, at which handbooks and brochures are distributed. Indirect services involve answering women's queries, by responding to letters and e-mails and through radio programmes. Information is also delivered through the SERNAM web page[48] and the "Mujeres Chile" portal[49], within which there is a section called INFOMUJER that provides clear and straightforward information on women's rights. This is one of the most visited sections of the portal, together with the Diario Mural links (notices) and the Vitrina de la Microempresaria ("Women Entrepreneurs' Window"). Other aspects of this portal will be discussed in the following chapter.

113. The electronic communications media are taking on greater importance for women, as the digital divide is gradually closed[50]. Nevertheless, much remains to be done in this area: women still make less use of the Internet than men, and are more inclined to use e-mail[51].

- **Access to justice, equal legal protection in the courts, and non-discrimination in the penal system (Article 2)**

114. In terms of women's access to justice, it should be noted that 70% of users of the free legal aid system in the country are women, seeking consultation or action on behalf of themselves or their relatives or partners. Most of these women are housewives, 42% of whom have not completed primary school. Among the issues on which the system receives the most consultations, 42% of cases relate to family matters such as support and filiation, and are brought mainly by women. This shows the importance of responding equitably to these complaints from women so as to ensure equal access to justice.

115. SERNAM has established an institutional relationship with the Ministry of Justice and its offices. That Ministry, through the Legal Aid Corporations and the Access to Justice Programme, is committed to providing high-quality service[52] that expressly addresses situations that affect women in particular, such as family violence and care for victims of sexual abuse. Institutions in this sector have incorporated equity considerations into their work, both in terms of access and outcomes, relating to age, ethnicity, population and gender variables.

[48] www.sernam.cl

[49] This portal was created in 2001. Its Web address is: www.mujereschile.cl

[50] Certifica.Com, 1999. In that year, men accounted for 64% of Internet connections.

[51] Certifica.Com, 2001.

[52] The main legal aid services provided are: out-of-court procedures, publicity about marital rights and duties, alternative dispute resolution, stressing mediation, and comprehensive care centres for victims of violent crime.

116. In its efforts to promote women's rights and participation, SERNAM has produced a series of publications[53] on women's rights, targeted especially at the judiciary.

117. In 2000, work began on implementing the Criminal Procedures Reform[54], which will be in full force throughout the country by 2005. SERNAM has worked in this connection to incorporate the gender perspective into the new institutions and into the application of the new procedures. This work has been conducted jointly with the Attorney General's office (Ministerio Público)[55], and has been aimed specifically at the Victims and Witnesses Protection Unit, with respect to providing initial care for female victims of crime and assisting the Unit's working teams. In particular, working links and protocols have been established in the regions between these units and the SERNAM's Centres for Prevention and Care for Victims of Family Violence, the intent of which is to provide victims and witnesses of severe family violence with proper care and therapeutic support.

118. In coordination with the Judicial Police force (Gendarmería) of Chile, initiatives have been taken to prevent or put an end to discrimination against women in the penitentiaries. Specifically, through the Department of Re-adaptation, gender training is being provided for professional employees working with women, children and families, and the treatment of female prisoners in the penitentiaries is being improved.

119. The penitentiary regulations[56] provide that "wardens may authorize visits from relatives or intimate acquaintances, if conditions in the establishment so permit, to prisoners who do not have leave permits and have requested such visits in advance". Until 2002, the Women's Penitentiary Centre, where more than 95% of the female prisoner population of the metropolitan region is held, lacked the infrastructure for intimate visitation. In that year a special area was outfitted for those purposes, equipped with the hygiene measures required to prevent sexually transmitted diseases[57].

120. The Judicial Police is also implementing the "Know Your Child" Programme, intended to support fathers and mothers in fulfilling their role in supporting the growth and the moral and spiritual upbringing of their children. The "Nursing Mothers" Programme is designed to provide the children of imprisoned women with physical protection, emotional and psychomotor stimulation, and proper nutrition, and to allow nursing babies to remain with their mother in a lifestyle as close as possible to freedom. In coordination with the Fundación Integra, a start was made in

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[53] Publication of a series of texts for disseminating rights, including: 1. Manual of Application for Law 19,325 on Family Violence; 2. The New Affiliation Statute; 3. New Regulations Governing Alimony Rights.

[54] This initiative is replacing the inquisitorial system with one that provides, on one hand, for an oral, public, adversarial trial before a collegial court that will hear evidence and issue rulings, and on the other hand, for investigations conducted by a public prosecutor with the cooperation of the police. The intention is to separate the functions of investigation from those of judgment.

[55] A body created by the reform, the main function of which is to investigate crimes and protect victims.

[56] Supreme Decree 518 of 21 August 1998.

[57] This right applies only to convicted prisoners, not those awaiting trial.

1999 at opening and maintaining nurseries within female prisons, staffed with specialized personnel and a defined pedagogical programme, in which mothers are part of the programme.

3. Changing social and cultural patterns (Article 5)

- **Eliminating prejudices and traditional practices or others based on the notion of the inferiority or superiority of either sex, or on stereotyped functions of men and women:**

121. In order to modify social and cultural patterns of conduct between men and women, a number of initiatives have been taken in the education field, in particular, through the revision and adaptation of textbooks at the various levels of schooling, from a perspective of gender equity.

122. As part of this effort, the "Education, Culture and Change" Project is being conducted, to incorporate the gender variable and non-violent dispute settlement into basic and intermediate teaching materials. Similar work is under way, at the preschool level with the National Kindergartens Board (JUNJI), and with the National Youth Institute (INJUV), backed by the signature of a number of agreements.

123. The gender perspective has also been incorporated into the core curriculum at all levels of the school system (preschool, basic, intermediate, and adult education) something that is of great importance, since it is the core curriculum that constitutes the navigation chart for the entire education process. This perspective has also been considered in the terms of reference for curricular instruments, as well as in teacher training and professional development strategies.

124. In order to provide communications support for this social and cultural change, a communications strategy was designed, including the "Image Prize: Women and the Communications Media" as a delivery vehicle. This Prize has been awarded annually since 1998 to the printed, radio and television media, as well as to advertising and electronic journalism agencies, in recognition of communications products that best portray women without stereotypes or exclusion.

125. Mass communication campaigns have been a key element in the strategy, seeking to promote changes in the social and cultural behaviour patterns of men and women through the communications and advertising media, and to publicize women's rights in areas deemed to be priorities: family violence, labour rights, family rights, and others. These mass campaigns have included, during 2000-2001, one entitled "Women with Rights, Women As Citizens"; in 1999, the campaign entitled "Better Living without Violence between Men and Women"; in 2001, a campaign of great national impact was conducted on family violence[58], under the slogans "Words Can Hurt, Watch Your Words" and "Don't Let Violence Strike Your Partner". In 2002 there was a communication campaign against violence towards women, called "Beaten Bodies".

126. All of these campaigns, as well as other related activities, have enjoyed participation by social networks consisting of churches, NGOs, student federations

[58] It is estimated that some 5 million people have been reached through a combination of TV spots, public advertising (press, Metro and buses), graphic productions and radio skits.

and unions, the communications media, advertising agencies, and government institutions, which have supported them with their own efforts, by incorporating gender equity issues into their day-to-day affairs.

127. In 2001 SERNAM installed a "Citizen's Portal"[59] on the Internet, targeted specifically at female Internet users who have no other access to SERNAM activities. It seeks to encourage women to use the Internet and inform themselves about their rights, benefits and opportunities, as well as to promote interactivity and networking. The portal provides free information that is relevant and timely, in an attractive, understandable format.

128. The portal has an information library (Infoteca) that provides information on women's rights, gender statistics, studies, and a Web guide. There is also a window for female microentrepreneurs to help them market their products throughout the country. Special editions were posted for the March 8 parliamentary elections and during the campaigns on family violence. The portal offers constant user interactivity through forums, surveys, personal consultations by e-mail, and a daily bulletin board[60]. During 2001, the portal was awarded the best-site prize in the first Chilean Festival of the Web. In 2002 it was selected as one of the best three sites, this time in the thematic category.

- **The common responsibility of men and women in the upbringing and development of their children, and maternity as a social function**

129. In looking at some of the social changes that our country has experienced, such as women's greater involvement in the paid labour force, and the growing number of female heads of household, the way in which educational institutions perceive this reality and recognize the diversity of family types is particularly important. In this respect, the country has had since 2000 a Policy of Participation for Fathers, Mothers and Guardians, the purpose of which is to recognize this diversity and encourage the sharing of family responsibilities, by involving fathers in the raising of their children. The intent is to show that it is not only mothers who are responsible for their children's upbringing, but that both parents must assume this duty.

130. In this framework, a number of campaigns have been conducted to encourage the involvement of fathers and mothers, to strengthen exercise of their civic responsibilities with respect to the school, to generate communication strategies that will help to transform the family-school relationship, and to ensure greater equity between fathers and mothers, and between different types of families.

131. Among other measures, a National Policy and Integrated Action Plan for Children and Adolescents 2001-2010 has been prepared by a number of public agencies with responsibilities for these age groups. The plan is based on the Convention on the Rights of the Child, one Article of which declares that both parents have common responsibilities for the upbringing and development of the child, a dimension that has been recognized in this policy.

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[59] The address of this Spanish-language portal is www.mujereschile.cl

[60] The number of visits to the portal has been growing rapidly: according to traffic information provided by an external firm, there were 47,132 visits in 2001, and 96,956 in 2002. Persons who have registered as "members", with complete personal data and e-mail address, maintain permanent contact with the editorial committee, and receive a weekly newsletter.

132. Among other thrusts of the plan for supporting and strengthening families as the unit primarily responsible for the integral development of children, it calls for: generating opportunities for fathers to participate in the birth of their children at all public hospitals; support for the parliamentary motion to allow a father or mother not living with his or her children to have a direct and regular relationship with them, so that both parents can take part in their upbringing; providing families and communities with education materials on shared family responsibilities.

133. The Interagency Commission on Families, which the SERNAM coordinates, has prepared a series of guidelines for government action in support of families, in order to reinforce and give a common focus to initiatives of various government agencies in this fundamental field.

134. The guiding principles for these activities are: protecting families as spaces for generating and reproducing relationships based on love, mutual respect and trust, unconditional acceptance, reciprocity and solidarity between all its members; equal rights and duties between women and men in the performance of their roles and family responsibilities; and equity in the exercise of cultural, economic, social and political rights for all family members.

135. These guidelines have resulted in various activities for strengthening the family. These include: generating and strengthening educational initiatives so that men and women, boys and girls, young people and older adults can develop the skills required for the different stages of the family lifecycle; promoting gender equity among couples; mutual respect and flexible rules for the distribution and performance of family responsibilities; promoting programmes, laws and initiatives for reconciling family and working life for men and women; supporting fathers and mothers as the persons primarily responsible for the upbringing and education of their children, generating social, cultural and institutional conditions to make this possible; recognizing and promoting responsible fatherhood in terms of upbringing and maintenance, to ensure the children's full development; developing programmes and services of prevention and support for fathers, mothers or guardians who encounter difficulties in exercising their parental functions.

136. To ensure that these principles and guidelines are translated into action, a joint programme has been initiated with UNICEF, the purpose of which is to train social workers at the local level. For these purposes, a number of meetings were held at 2002 with people working with families in various capacities at the local level[61].

137. In the context of shared family responsibilities, there have been a number of outreach activities, and educational materials have been prepared and distributed to various key players working among families with young children: teachers, personnel of the Family Health Centres[62], family support from the "Chile Solidarity System"[63], among others. As well, these initiatives have served to publicize the contents of ILO Conventions 156 and 103 relating to this field.

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[61] Municipal Children's Offices and Programmes, Programmes for the Eradication of Extreme Poverty, Programmes on Family Violence or Child Abuse.

[62] A new form of primary care that is proving very popular at the local level.

[63] Government programme designed to eliminate extreme poverty in Chile. Its target group is the 225,000 families living in poverty. This programme is explained in greater detail in the chapter on economic, social and cultural rights.

138. Since 1998, SERNAM has been working on the task of reconciling family and vocational life for women and men. Its objective is to promote public policies and business practices that will help women and men alike to reconcile their working and family life. The goal is to ensure that working activity is compatible with the duties of family life, including the exercise of responsible fatherhood and motherhood.

139. A number of initiatives have been taken to this end, including: opinion surveys to gather the perceptions of men and women on the ways they reconcile family and work[64], and studies of the measures implemented by businesses to reconcile working and family life, both in Chile and abroad[65].

140. Action has also been taken to publicize ILO Convention 156 and Recommendation 165, which Chile has signed[66], and to raise awareness among the various key players[67] as to the importance that reconciling family and working life holds for the quality of life, as well as for the productivity and the working climate of businesses. Guidelines have been distributed to businesses for preparing Human Resource Policies, and these include measures for reconciling working life and family life for male and female workers[68].

141. A series of amendments to the labour code[69] have been promulgated to this end, for example: labour rights for fathers who, in case of the death of the mother, have the right to postnatal leave; protection for one year for single or widowed women and men who declare before a court their intention to adopt a child, pursuant to the provisions of the adoptions law. This protection begins on the date the court awards custody or guardianship to such workers[70].

4. Civil and political rights and accelerating equality between men and women (Articles 4, 7, 8 and 9)

· Participation in public or elected office

142. In Chile, as in most countries of the world, women still play a limited role in political activities, and particularly in the more senior elected or appointed positions. United Nations indicators show that, in 2000, Chile ranked 38 (of 174) on the Human Development Index, while its ranking declined to 51st place in the Gender Empowerment Index which measures women's participation in and access to economic, social and political decision-making processes.

143. This reality was reflected in the CEDAW Committee's observations on the last report submitted by the government Chile: "The Committee is concerned at the low level of participation by women in politics and governmental administration, especially at the decision-making level".

144. Despite this under-representation of women in the country's political and public life, Chile has over the last 10 years seen an increase in the number of women

[64] SERNAM: Working Document 68, Santiago, 2002.
[65] SERNAM: Working Document 67, Santiago, 2002.
[66] Decree in 1907, published on 3 March 1999.
[67] Business organizations, workers' organizations, etc.
[68] SERNAM: Guide to Best Business Practices, Santiago, 2003.
[69] See the section on equality before the law.
[70] Law 19,670, published on 15 April 2000.

in appointed public office, and to a lesser extent in elected positions. A study conducted by SERNAM[71] showed that in 1991 only 7% of positions of trust within the executive branch were held by women, while in 2001 that figure had increased to 22%.

145. Constitutionally there is no problem or legal limitation for women's right to participate, to vote or to be elected, yet there are de facto inequalities in access to power. In addition, the electoral system[72] fails to guarantee equal participation among men and women.

146. When it comes to presidentially appointed public office, governments of the Concertación have sponsored a number of mechanisms that have helped to smooth out existing inequalities and to deal with the cultural constraints that affect women in formal politics. The current government of President Ricardo Lagos has expressly declared its intention to bring women into its administration. As a result, there has been a notable increase in women in most presidentially appointed positions, compared to previous administrations. In particular, between 1999 and 2000 there was a sharp rise in the number of women serving as ministers, undersecretaries, regional intendentes or governors, and in local government especially, where the percentage of women rose from 10% in 1999 to 30% in 2000.

147. It is noteworthy that at the beginning of the Lagos administration, there were 17 female ministers of a total of 17 ministers, although that number has now dropped to three female ministers in a total of 17. It should also be noted that two ministries that were traditionally assigned to men, those of Defence and Foreign Relations, are currently held by women.

148. This initially strong boost to female participation in executive positions, however, was not maintained to the same degree in subsequent years (2001 to 2003), and in some cases there was a slight decline. In 2003, women were less represented in the positions of intendente[73], where only one of 13 such positions was held by a woman. The situation is better in the positions of undersecretary (of 29 undersecretaries, eight are women) and governors (of 51, 14 are women)[74].

149. The percentage of women in the judiciary has evolved positively between 1992 and 2002, but they are still underrepresented, and stereotypes persist. According to the various positions recorded in 2002, women accounted for 9.5% of positions in the Supreme Court, and 24.4% in the Court of Appeals[75]. As one moves down the order of ranking, the number of women in both courts rises, but they have very little representation in the most important positions. Despite this, a milestone in the history of the judiciary was reached with the appointment during 2001 of two women to the Supreme Court: a judge and a prosecutor.

150. Women have had little presence in the National Congress, although recent elections have seen a slight increase. The year with the highest female

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[71] Veloso, Paulina: "Factibilidad de una Ley de Cuotas en el Ordenamiento Jurídico Chileno" ["Feasibility of a Quota Law in the Chilean Legal System"], SERNAM, 2001.

[72] The current electoral system is "binominal": a number of studies suggest that a proportional representation system would lead to greater female participation.

[73] Heads of Regional Government.

[74] Source: SERNAM, based upon reports from the respective ministries.

[75] Source: Ministry of Justice. The figures for both courts relate to positions of: Judge, Prosecutor, Rapporteur, and Senior Attorney.

representation was 2001, which marked a milestone in parliamentary participation by women. In the elections of 2001, 15 female Deputies were elected (including nine who were re-elected), while in the Senate, where half of the membership was elected, the situation is less favourable: only two female candidates stood for election, and neither was elected.

151. This record shows that the presence of women in positions of power that are popularly elected is declining. In the National Congress, women constitute 11% of the membership. The upper chamber consists of 49 Senators, of whom 38 have been elected democratically: of this total, only two (5%) are women. In the lower house, 15 of the 120 Deputies are women, accounting for 12.5% of the total [76]. It should be noted that in recent years, women have held the presidency of the Chamber of Deputies.

152. In the last three parliamentary elections, fewer women than men stood as candidates. In 2001, female candidates for deputy declined to 41 (from 84 in 1997), while the number of male candidates declined from 358 to 281. From among these candidates, 15 women and 105 men were elected, for an electoral success ratio of 37% [77] for both sexes: in other words, the proportion of successful candidates was the same for men and women. This was not the case in the Senate, where women are at a clear disadvantage.

153. In popularly elected positions at the local level, women account for 12% of mayors, holding 42 of 341 municipalities, while 308 of the total of 1783 municipal councillors, or 17%, are women[78]. It is important to note that there has been an increase in the percentage of women in popularly elected positions: in 1996, women accounted for only 9.4% of mayors, and 14.4% of councillors.

154. As to the number of female candidates standing for municipal elections, they amounted to 17.3% of the total: i.e., of 4642 candidates, 806 were women, of whom 350 were elected as mayor or councillor. This figure is important because it shows that 43.4% of female candidates were elected.

155. When it comes to representing the government on the international scene, the lowest participation rate for women is found in the Foreign Service: there are only six females consuls and seven female ambassadors. Nevertheless, the number of women entering the Diplomatic Academy has been rising steadily, and it is expected that in the next few years they will constitute 50% of the students. This increase has already been reflected in a greater number of women working in the Foreign Service at the levels of third, second and first secretary[79].

156. Chile is co-sponsoring two resolutions on women's participation in the United Nations system: the resolution on "Integrating women's human rights throughout the United Nations System", which is approved each year without vote by the Human Rights Committee, and of which Chile and Canada are co-authors; and the resolution on "Improvement of the status of women in the United Nations system", the operative portion of which requests the Secretary General to achieve the objective of a "50/50 gender distribution in all categories of posts within the United

[76] Source: Elections Office.

[77] Measured as the percentage of candidates who won election.

[78] Source: Recursos Humanos del Gobierno Interior.

[79] The diplomatic career involves service as third, second and first secretary, before becoming a minister or counsellor, and finally a consul or ambassador.

Nations system, especially at senior and policy-making levels, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter". The latest version of this Resolution (No. 58/144, approved by the General Assembly at its 77th session in 2003) reiterates this objective. The Government of Chile also sponsored the candidacy of a distinguished female Chilean jurist[80], who was elected as a judge of the Inter-American Court of Human Rights.

· Temporary special measures:

157. In its observations on the third report submitted by the government of Chile, the CEDAW Committee urged the government "to strengthen actions taken through comprehensive strategies, including temporary special measures, ... to encourage greater participation of women in public life".

158. In terms of affirmative measures, a group of female parliamentarians submitted a draft bill on quotas in 1997, entitled "Draft law amending various legislation in order to promote women's right to participate in national public life". That motion calls for three central amendments [81] requiring that parties must adopt electoral procedures and formulas whereby neither sex would hold more than 60% of positions in their internal leadership and governing bodies. It also requires that neither sex may exceed 60% of the lists of candidates presented by each party for elections.

159. A slightly amended version of this bill was again submitted in early 2003 by a larger number of male and female parliamentarians from all political parties, and is now undergoing first hearing in the Family Committee of the Chamber of Deputies. The purpose of this initiative is to secure a more equitable representation of women and men in the National Congress.

160. With respect to SERNAM's efforts to promote women's political participation, we may mention the preparation of various studies [82] that have analyzed the reasons for the low percentage of females in national public life. The main conclusions [83] of those studies have bolstered arguments in favour of a quota law, and have clarified the legal steps required. During 2001, seminars were held throughout the country

[80] That person is the lawyer and professor of human rights, Mrs. Cecilia Medina, who prior to this appointment served as a member of the Human Rights Committee for the United Nations Covenant on Civil and Political Rights.

[81] To the Organic Constitutional Law of Political Parties; to the Organic Constitutional Law of Municipalities; and to the Organic Constitutional Law of Public Voting and Elections.

[82] Those studies are: "Experience with women's participation (implementation of quotas) in Chilean political parties", December 1998; "Feasibility study on implementing a quota law in the Chilean legal system", March 2000; "Perceptions of political and social leaders on the quota law: contents and feasibility", December 2000; "Political parties and opportunities for women in elections", May 2001; and "Minutes of the seminar on participation and representation: conditions for human development", January 2002.

[83] One conclusion was that a quota law would be possible in Chile, but that it would require an amendment to the Organic Constitutional Law on Popular Voting and Elections, in the case of parliamentary elections, and to the Organic Constitutional Law on Municipalities for elections for mayors and municipal councillors. It was also concluded that there is a need for national debate on women's political participation, and for measures of positive discrimination for achieving balance in this area.

with relevant political players in order to sensitize public opinion to the need for a quota law in Chile.

· **The relationship between the State and civil society**

161. The record of women's participation in the country's social and public life has been looked at from various perspectives. One of these considers the form and magnitude of their participation in voluntary associations, and the way their needs and circumstances have been incorporated into the definition of public policies. The government has addressed this dimension of participation[84], seeking to introduce measures to guarantee that men and women alike have the institutional and legal wherewithal to participate in voluntary association activities and in defining government policies.

162. A start has been made on a number of government initiatives to strengthen the social fabric, which was weakened by a loss of public confidence during the military regime, as well as by a lack of interest in participating in civil society organizations, and the shortage of strong and independent citizens' organizations.

163. In Chile, 30.4% of persons over the age of 12 are involved in some social organization. The statistics do not point to any significant differences in participation rates by men and women: the female participation rate is only 1.3 percentage points below that for men[85].

164. One important aspect for characterizing the various forms of social inclusion for men and women has to do with the motives for their participation, and these are intimately related to traditional gender roles. According to the CASEN 2000 survey, women are involved primarily in religious organizations (10.9%), while men are more inclined to join sporting and recreational associations (10.7%).

165. When we delve further into the inequalities in the integration of women in public life, we find that among men and women involved in some organization, women tend for the most part to be excluded from positions of power. As well, women appear to face greater difficulties than men in joining the more traditional organizations, because of their greater burden of household responsibilities, and the assumption that their role is essentially at home, a view that is incompatible with the activities and the hours involved in organization work.

166. The current government is attempting to strengthen the relationship between the State and civil society, and to involve the latter more closely in the design and reform of public policies. This stance was expressed in the Third Programme of the Concertación Government, which called for "a new deal" with citizens and their organizations in order to build a new partnership between State and civil society.

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[84] Through the Ministry General Secretariat of Government and, in particular, the Social Organizations Division (DOS).

[85] Ministry of Planning and Cooperation. Survey of Socioeconomic Trends (CASEN) conducted in late 2000, using a survey that for the first time incorporated the social participation variable.

167. This is the context for the current government's National Policy of Citizen Participation[86]. A presidential instruction of 2000 recognizes that such participation is a fundamental aspect of any democratic system, because it allows for effective recognition and exercise of institutionally established rights and duties.

168. One of the main thrusts of this policy is to achieve equal opportunity for participation. It therefore requires government administrative bodies to create mechanisms for incorporating the principle of equal opportunity between men and women in order to guarantee women's participation in public policies and programmes.

169. As part of that policy, government agencies are committed to a series of measures for giving effect to it. In this connection, SERNAM is committed to creating various opportunities for dialogue with civil society (rural groups, labour, the academic world, women's organizations, etc.) and for involving users of its programmes in planning and monitoring them. This policy is aimed at creating a relationship of collaboration and of mutual respect between the State and its citizens, as well as to strengthen civil society and to give greater legitimacy to public policies.

170. Through the Social Organizations Division, which is part of the General Secretariat of Government, the government is pursuing various initiatives to improve institutional conditions whereby men and women can participate on an equal footing in the country's social and political life.

171. To this end, an instrument has been in place since 2002 to take nationwide soundings of people's perceptions as to practices and possibilities of participation in government policies, as well as in civil society. That instrument, the Social Observatory, has found that men and women do not face the same obstacles to their participation in government and civil society, because of their differing responsibilities for the home, the family and work, and their differing degree of independence, in light of power relationships within the family. The Social Observatory has been designed as a tool for providing input into the formulation of public policies by taking account of social and cultural practices and patterns, including gender inequities in access to Government services.

172. The government has promoted creation of an institution to address the issue of discrimination in its various forms and manifestations through creation of a specialized programme. This programme, "Tolerance and Non-discrimination", launched in 2000, seeks to foster conditions for the full exercise of rights and participation by social groups that have suffered most from discrimination. To this end, the programme has conducted a number of activities with public employees and with social organizations. For civil servants it has been applying a strategy for raising awareness of the need to overcome all forms of discrimination, through specialized workshops and formal training. It has also been working with government departments and agencies to promote health care for pregnant migrant women, to enrol their children in the education system, and to guarantee access to prevetive health care for transvestites, who face discrimination in hospital facilities.

[86] Presidential Instruction No. 30, 7 December 2000.

173. The Social Organizations Division (DOS) is devoted to strengthening organizational networks that are striving to eliminate discrimination, and those comprising victims of discrimination, by financing projects and incorporating them into joint work with government institutions, for formulating institutional commitments for eliminating discrimination and for treating male and female citizens respectfully.

174. The Plan for Strengthening Civil Society reflects the government's intention to make voluntary associations more independent and sustainable, both for women and for men. Introduced in 2000, the plan consists of various measures relating to five thematic areas, four of which refer directly to strengthening the ways in which people participate in organized social and public life.

175. This plan includes measures to create a regulatory framework [87] that will promote the independence and sustainability of organizations, in terms of both their financing and their institutional autonomy. In the search for innovative financing approaches, the government has promoted the creation of a Civil Society Development Fund, which combines private and public sources of financing for strengthening organizations' social capacities. Work has also begun on the design of a training and technical assistance plan for strengthening those organizations institutionally by intermediating the demand for and the supply of training for male and female social leaders.

176. The plan also calls for promoting voluntary work and solidarity initiatives, on the grounds that these will help to reinforce social trust and, hence, the country's social life. Beginning with a pilot programme focused on four of the country's regions, it is intended subsequently to produce a national strategy. The plan has taken account of existing studies showing that women are more disposed to voluntary work and are more likely to join such organizations. These strategies offer an interesting opportunity to encourage women's involvement in local social life, in the expectation that, in the order of gender relationships, they will address themselves to activities of this kind. These considerations will enter into the formulation of a national policy that is now being designed.

177. Recognizing that it is women who for the most part are responsible for obtaining information and seeking solutions to family needs in terms of work, education, child care, health etc., difficulties of access to information constitute an obstacle to their integration, and this is clearly a significant social problem. For this reason, women constitute the priority target in the government's efforts to inform the public about its activities, including the benefits and social programmes that the State offers[88].

178. One preferred method for informing the public has been the Digital Platform offered over the Internet for delivering information more efficiently to more people.

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[87] This measure is reflected in the formulation of a bill that will be submitted to Congress. The proposed Citizen Participation Act, together with other initiatives, will establish an institutional framework favourable to recognizing rights and participation, as a key element of the process of reforming the State, and a central feature of the country's development agenda.

[88] To improve access to information, the government has outfitted a travelling bus with information on all government services. Since 1999, that bus has been touring outlying districts of urban centres where women are primarily responsible for family welfare. Another significant initiative is the Information, Complaints and Suggestions Centres (OIRS), which were described in the chapter on antidiscrimination measures.

Despite the mass audience potential of this tool, we know from various studies that 65% of Internet consultations are by men, and only 35% by women; moreover, most people who access the Internet are under 34 years of age and have a relatively high level of education[89]. This fact poses a new challenge to government efforts: how to transfer skills and tools so that men and women will have equal access to electronic information.

179. In a similar vein, the Ministry General Secretariat of Government, together with the Department of Telecommunications, has launched a strategy to install community centres for digital information access, known as "Infocentros" or "Infocentres", and to encourage community organizations in each locality to administer them, as the principal beneficiaries.

5. Economic, social and cultural rights : promoting women in the social, economic and cultural spheres (Articles 3, 10, 11, 12 and 13)

· Addressing poverty

180. In the last decade, efforts to reduce poverty in the country have shown positive and very significant results, including those for reducing female poverty[90]. Between 1990 and 2000, the total poverty rate was cut almost in half, from 38.6% to 20.6%. At the same time, female poverty declined from 39.3% to 20.8%, i.e. by 18.5 percentage points. During the same time, the indigent population declined from 12.9% to 5.7%. Nevertheless, although poverty continued on a downward trend between 1998 and 2000, the figures for indigence remained stalled.

181. The total poverty gap between men and women has been reduced, from 1.4 percentage points in 1990 (37.9% of men versus 39.3% of women) to 0.4 percentage points in 2000 (20.4% of men versus 20.8% of women). Over the last 10 years the percentage of poor women has declined, but the percentage of women who are extremely poor (indigent) has remained unchanged since 1996, and accordingly the government has been obliged to focus its social programmes on this group, as will be explained below.

182. Poverty levels among women are higher than among men. Of the total indigent population, 52.2% are women and 47.8% are men. When it comes to the non-indigent poor population, 50.9% are women and 49.1% are men.

183. Women in rural areas are at a clear disadvantage compared both to rural men and to women in urban areas. In rural areas, 24.7% of women are poor, compared to 23% of rural men. A comparison of women in rural and in urban areas shows a higher percentage (8.7%) of rural women living in extreme poverty, compared to urban women in such status (5.4%). This situation drives rural women to migrate to the cities in greater numbers than men, thereby reducing the proportion of women in the countryside.

184. Over the last decade there has been a gradual rise in households headed by women. According to the 2000 CASEN survey, 76.9% of households are headed by

[89] University of Chile, Demografía y comportamiento de los usuarios chilenos en Internet ["Demography and the behaviour of Chilean Internet users"], Santiago, 1999.

[90] The figures on poverty in the country and on female heads of household presented in this chapter are derived from the analysis of the Eighth Survey of Socioeconomic Trends (CASEN 2000) of the Ministry of Planning and Cooperation.

a man, while 23.1% are headed by a woman. Households headed by women are more frequent in urban than in rural areas: 24.3% of urban households have female heads, while the figure in the countryside is only 16%. The proportion of female heads of household increases with age: 39.6% are in the 60-and-over age bracket. Households with female heads have incomes that average 36.8% less than those of households headed by men. This shows that households headed by women are more at risk, and their poverty is more likely to be perpetuated among successive generations.

185. Despite the progress made in reducing poverty, it remains a concern for the government, particularly as it affects women. Specific policies designed to address the situation of poverty among women include the following:

186. The National Vocational Training Programme for Low-income Women, Particularly Women Heads of Household, which was launched in 1992 and coordinated by SERNAM until 2001. In 2000, this programme covered education and vocational training, support for independent work initiatives, health, child care, housing, employment, and legal protection. It was active in 103 communes, through contracts with municipalities, and served 70,000 women. This innovative programme has sparked interest in other countries in Latin America such as Argentina, Mexico, Honduras, Ecuador.

187. In 1998, the Red Prorural network was established as an innovative way of addressing rural poverty. In institutional terms, it operates through a National Steering Council (chaired by the Minister of Agriculture and consisting of the Minister of SERNAM and undersecretaries, departmental directors and intendentes of the regions involved), a National Executive, a National Technical Committee, and equivalents at the regional incontinent level.

188. The "Sistema Chile Solidario: Comprehensive Social Protection for the 225,000 Poorest Families in Chile" was launched in 2002 to help families suffering from social and economic exclusion. It is coordinated by the Ministry of Planning and Cooperation. The system's objectives are: to guarantee a minimum level of services for the country's 225,000 poorest families, between 2002 and 2005; to provide comprehensive support for these families, in keeping with the multiple dimensions of their situation; to integrate public services for these families into a coherent and coordinated system; and to provide personalized support to these families, in keeping with the particular situation of each family member.

189. The system includes a temporary entry-level component and three permanent components. The first provides intensive psychosocial support and a family protection grant, paid to the woman of the family, whether or not she is the head of household. The second component provides guaranteed monetary subsidies, preferential access to social promotion programmes and social security benefits, and assistance in joining the labour force. These benefits are delivered direct to female heads of these families, highlighting their strategic role in overcoming poverty.

190. While the system is targeted at extremely poor families, it is the women that are the central focus. The system represents a significant effort at coordinating and integrating existing policies, programmes, benefits and services, and at setting up permanent national and local networks, as well as identifying families with the greatest social and economic vulnerability.

· Equal education rights (Article 10)

191. Recent decades have seen expansion of the coverage and accessibility of education in the country. Participation rates by girls and boys in the education system are virtually identical. Today, it is the quality and equity of education, rather than its accessibility, that are the central focus of attention in terms of gender differentials.

192. In the last 10 years, the education situation of women has improved: the average time in school for girls has risen from 8.9 years in 1990 to 9.7 years in 2000[91]. Generally speaking, levels of schooling are the same for men and women. In the younger age groups (15 to 29 years), women are slightly ahead of men in their average number of years of schooling (11.2 versus 11.1), but this situation is reversed in the older age groups. We may conclude that there has been a tendency in recent generations to increase the length of schooling and to achieve greater educational equality between the sexes.

193. Illiteracy is declining among all age groups, and particularly among older adults, where the index fell from 15% in 1998 to 13% in 2000. Female illiteracy declined by 0.8 percentage points between 1998 and 2000. There has been a reduction in the percentage gap between men and women who can neither read nor write (in 1998 the difference was 0.6 percentage points, while in 2000 it was 0.2 percentage points). These figures reflect the efforts of public policies to promote access to education, which have brought about a marked reduction in illiteracy rates, particularly among the younger generations (1%).

194. When it comes to school attendance, there are no observable gender differences, something that revealed discrimination in earlier years. Only 1% of girls and boys between seven and 13 years do not attend school: of these, 50.2% are boys, and 49.5% are girls. This figure reflects the impact of efforts to expand the coverage of basic education to all children in the country, and to keep them in school.

195. For teenagers (between 14 and 17 years), the percentage not attending school is 9.9%, down by 3.1 percentage points from its level in 1998 (13%). Among the reasons given for not attending school there are differences between males and females. The principal justification offered by males is "economic hardship" (19.8%), while for females it is "maternity or pregnancy" (20.7%), followed by "economic hardship" (21.9%). This shows the importance of policies to prevent teenage pregnancies and, when such policies fail, to have available measures that will encourage pregnant teenagers to remain in school.

196. Article 19 of the Chilean Constitution, on "Constitutional Rights and Obligations" (No. 10) declares the right to education, the objective of which is the complete development of the individual in the various stages of life. Until very recently, eight years of basic education was mandatory: today this has been extended to intermediate education (12 years)[92], which means that the government has had to finance a system of free schooling to ensure access to the entire population.

[91] The figures on education presented in this chapter are derived from the analysis of the Eighth Survey of Socioeconomic Trends (CASEN 2000) of the Ministry of Planning and Cooperation.

[92] On 7 May 2003 a constitutional reform measure was promulgated making 12 years of school compulsory, and giving the government the duty to ensure that instruction to this level is free for all Chileans to the age of 21

197. A programme is now underway to increase the school retention rate. The "High School for All" programme recognizes that the reasons for dropping out of school are not the same for young men and women, and it is pursuing differentiated strategies to address this problem. In the case of girls who are pregnant or mothers, child care is provided for their children, and they also have access to maternal and child health surveillance services.

198. As mentioned earlier [93], a significant step forward during this period was the 2000 amendment to the Organic Constitutional Law on Teaching (LOCE), which guarantees access to and attendance in educational establishments for all female students who are pregnant or are nursing mothers. Moreover, in August 2000, an additional section was inserted in Article 2 of Law 18,962 (LOCE) to the effect that "pregnancy and maternity shall not constitute an impediment to entering and attending an education establishment at any level. Such establishments must moreover grant the necessary academic facilities". This reform requires progress in consolidating social support networks involving various sectors of society.

199. In terms of access to education, all low-income mothers of schoolchildren are eligible for the education completion ("regularization") programme offered by the Ministry, which works primarily to the advantage of women with children in school. By way of concrete example, during 2001, 65% of the persons who took advantage of this programme to complete their basic or secondary schooling through adult education courses were women.

200. The SERNAM has developed a series of programmes and projects to incorporate the gender variable into education materials distributed in the pre-primary, primary, intermediate and adult education systems, in order to eradicate stereotyped masculine and feminine roles at all levels and in all forms of teaching. These programmes and projects have included the "Education, Culture and Change" programme on non-violent dispute settlement, in conjunction with the Ministry of Education, the objective of which is to work with the educational community (teachers, students and families) on different forms of relationship, with a particular focus on eliminating violence as a legitimate way of resolving conflicts. Educational materials have been designed to this end for the first and second cycle of basic education, and for intermediate school. Between 1997 and 2000 training in implementing this project was provided for classroom teachers throughout the country. In 2001 and 2002, SERNAM trained representatives of the teaching body in every region of the country as trainers for the project, so that they can transfer the methodologies to their respective regions.

201. At the preschool level, an emotional health and family relationship development project ("Crecer y Desarrollarse en la Senda de la Afectividad Cotidiana") has been launched in cooperation with the National Kindergartens Board (JUNJI) to prepare educational materials for the preschool level. It has been underway throughout the country since 1999, and has been approved by JUNJI as part of its curriculum. In 2002 a complementary pilot project was prepared on sexuality, gender and emotional health in preschool education (Sexualidad, Género y Afectividad en la Educación de Párvulos), and it was validated during 2000 for application in 2003. There is also the project known as "Letters Speak" (Las Letras

[93] This legal amendment was discussed in the section on equality before the law.

Hablan) designed to incorporate the gender perspective into the adult education curriculum. At this time, new plans of study for adult education are being prepared.

202. In 2000, work began on a national government proposal on responsible sexuality, as a result of a joint effort by the health and education communities, the National Youth Institute, and SERNAM. This project, entitled "Toward Responsible Sexuality", seeks to promote social dialogue and serious thinking about the need to develop healthy and complete sexuality in the individual, the family and community. It is targeted especially at youth.

203. Since 2001, eight communes in the country have introduced a pilot plan to validate the management model for addressing the issue of sexuality. Training and instruction have been provided in sexual education, sexuality and gender, and sexual and reproductive health, for principals and teachers in educational establishments, as well as for parents and students, health professionals, and social organizations. The evaluation of achievements to date suggests that it has helped to banish prejudices and taboos, although it is too early to measure the programme's impact on the incidence of teenage pregnancies, for example.

- **Equal opportunities in employment and work (Article 11)**

Access to paid employment

204. Over the last decade the female participation rate in the Chilean labour force has risen steadily (from 32.4% in 1990 to 39.3% in 2000)[94], while the male participation declined slightly over the same period. Yet the female participation rate remains significantly below that for men (39.3% versus 73.2% in 2000), and is still one of the lowest in Latin America.

205. In contrast to men, women's participation in the labour market is strongly associated with their level of education, their socioeconomic status, their marital status or position within the family, and their age[95]. Thus, the participation rate for female heads of household is significantly higher than for other women, especially married women[96]. The participation rate for women with higher education[97] and belonging to wealthier families is higher than that for women with less schooling and belonging to poorer families[98]. This suggests that women's prospects for joining the workforce are heavily determined by family and lifecycle considerations, as well as by the interrelated factors of socioeconomic status and education level.

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[94] According to the Survey of Socioeconomic Trends (CASEN 2000). It must be borne in mind that figures on the female participation rate vary, depending on the measurement instrument used. The 2002 Census puts the rate for 2002 at 35.57%.

[95] The highest female participation rate, at 53.5%, is found among women between 25 and 44 years (CASEN 2000).

[96] The participation rate among female heads of household is 49.2%; among married women, 37.1%; and among single women 42.6%, according to the same source.

[97] According to the CASEN 2000, the participation rate for university-educated women is more than double (61.1%) that of women with only a primary education (28.7%), while the rate for women with no schooling is only 13%.

[98] here is a significant difference between the participation rates for women in the wealthiest decile (i.e the 10% of the population with the highest incomes), at 54.4%, and that for women in the poorest decile, at 22.7%. The rate for the top decile is thus 2.4 times that for the lowest (CASEN 2000).

206. The female labour force is better educated than the male, yet women have higher unemployment rates than men. While 34.3% of the male labour force has eight years or less of schooling, and 65.7% has more than 8 years, with women the percentages are 27.7% and 74.3% respectively[99]. Yet for the year 2002, the female unemployment rate was 8.5%, while that for men was 7.5%[100].

207. Unemployment among both sexes showed a downward trend until 1998. In 1999, as a result of the economic recession gripping the country, unemployment rose considerably, especially for women (from 7.6% to 10.3% in one year), revealing women's greater vulnerability to unemployment at times of economic difficulty. Unemployment rates have tended to decline in subsequent years, as the economy slowly recovered.

Working conditions

208. In its observations on the last report presented by the government of Chile, the CEDAW Committee asked the government to include in its next report statistical data on the status of women workers and on improvements in their living conditions, aspects that are discussed below.

209. Chilean women are strongly affected by sexual segregation in employment, but they have been gradually moving into economic activities that were traditionally performed by men. Women are employed primarily in community, social and personal services; in sales; and in the financial sector (in which areas they account for 53.0%, 44.5%, and 39.4% of workers, respectively). Yet in the first two of these sectors female participation declined by roughly one percentage point between 1999 and 2001. By contrast, during this period there was a slight increase in female participation in non-traditional activities such as industry, transportation and communications, agriculture and fishing. In terms of occupational categories, women are most likely to be working as wage earners or salaried staff, self-employed, or service personnel (accounting for 60.1%, 21.3%, and 13.3%, respectively, of all working women), while only a very small percentage (1.9%) are employers or "bosses", a figure that is much lower than for men (3.6%). During the period 1999-2001 the percentage of self-employed women rose by more than one percentage point[101].

210. The occupational insecurity that women face is also evident when it comes to employment contracts, as a measure of job quality and stability. There is a discrepancy between male and female employees, and particularly in the case of lower-paid jobs, when it comes to employment contracts. In 2000, 72.1% of all women employees had a contract, while in the case of men the figure was 77.2%. The gender gap among workers not covered by a contract is greater for lower-income workers: female employees in the fifth income quintile, only 39.7% of whom have a contract, enjoy the least job security. Working conditions for women in this situation have deteriorated by comparison to 1996 and 1998, when 46.7% and

[99] CASEN 2000.

[100] Source: National Statistics Institute (INE), Quarterly National Employment Survey, October-December.

[101] INE, Quarterly National Employment Survey, October-December.

41.1% respectively had contracts[102]. This again reflects the economic recession that hit Chile in 1998, revealing the high degree of cyclical vulnerability in female employment, particularly for lower-income workers.

211. A significant portion of the employed population is not covered by the social insurance system, and the proportion is slightly higher among women. Of the working population, 37.2% is not enrolled in the insurance system, and the number of enrolled women is 2.8 percentage points below that for men. Women in the younger age groups are more likely to be contributors to the system. The proportion of contributors declines for the 45-59 age group, and to a lesser extent for the lower income quintiles. Figures on the insured population reflect the fact that social insurance contributions are compulsory only for dependent workers, and not for independent or self-employed workers, a category that has seen an increase in female participation in recent years, much of it associated with the informal economy.

212. This situation was recognized in the CEDAW Committee's observations on the last report: "The Committee notes with concern that many women employed by small businesses and in the informal sector earn low wages, which makes it difficult for them to enter the current social insurance system".

213. Chile's social insurance system is individually funded, and the amount of the pension that a worker receives is directly related to the cumulative amount that he or she has contributed to the system over the years. The fact is that women tend to be employed in jobs in which they earn less, and therefore pay lower contributions; they contribute for fewer years[103]; and their working career may be interrupted by the arrival of children. These factors mean that women generally receive lower pensions upon retirement than do men. Some of these aspects are now the subjects of public debate over possible measures for reversing the situation.

214. A comparison of the wage and salary situation of men and women shows that women earn less than men; the earnings gap has however narrowed in recent years, from 40.6% in 1998[104] to 35% in 2000[105].

215. The earnings gap increases with age, with education, and with job responsibilities (management positions). Women with up to three years of schooling earn on average 18.6% less than men with the same amount of schooling, while women with 13 years or more of education earn on average 51.5% less than their male peers. Women employed in management positions are paid 50% less than men, while among wage-earners (employees and labourers) the gap is only 14.7%[106].

216. This earnings gap also varies by economic activity, but women consistently receive less pay. The differences by economic activity can be illustrated as follows: in the mining industry, the wage gap is 39.8%, while in community, social and personal services the gap declines to 17%. These data show that the gap widens in occupational groups or economic sectors where pay is higher.

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[102] CASEN for the respective years.

[103] In Chile, the retirement age for women is 60 years, while for men it is 65 years.

[104] CASEN 1998.

[105] CASEN 2000.

[106] CASEN 2000.

217. The costs to the employer of hiring a woman are lower than those for hiring a man, contrary to general belief. In examining labour cost differentials by sex we find that the average total labour cost (wage plus non-wage costs)[107] for women is at least 30% less than for men. This difference is more pronounced for management personnel, where the total cost of a female manager is only 61.1% of that for a male manager, and in the case of retail workers (62.5%).

218. When it comes to non-wage costs, those for female workers average 71% of the level for male workers (i.e. women are 29% less expensive than men). One argument that is frequently put forward for not hiring a woman, or for paying her less, is precisely that the non-wage cost is higher for women than for men, an argument that is refuted by studies such as that cited, which show the contrary. By occupational group, the greatest differences are found among workers in personal services (46.9%), and the lowest differences among professionals (84.5%), technical workers (78.4%), and management personnel (76.3%). By branch of economic activity, the greatest difference is in the community, social and personal services sector (66%), but the average cost of hiring a man is consistently higher than that for a woman, across the board.

219. Chile is not immune to the fallout from economic globalization, which has led to increasing labour flexibility worldwide, and which in some cases has made employment more insecure. This can be seen in the increase in informal work in various regions of the country. All of these processes tend to have a greater impact on female employment, which is also sharply affected by the economic cycle of expansion and recession which, in an open economy like Chile's, is increasingly hostage to the performance of the world economy, a situation over which the country has little control.

220. Chile is making progress in generating mechanisms to protect male and female workers from cyclical swings in the national and world economies. On one hand, the public agenda has placed emphasis on generating and supporting initiatives for small businesses and microenterprises, which are the greatest generators of employment, and in which women's participation is growing.

Support for independent work

221. A key initiative in terms of instruments to protect workers against the employment instability typical of today's conditions has been the creation of an unemployment insurance provision [108]. This new instrument of the government's social security system was created to protect workers who are they laid off. Every employee governed by the labour code has an individual account to which the employee and the employer must both contribute a fraction or percentage of the worker's monthly remuneration. Workers who are laid off may draw from the accumulated amount in their individual account and if necessary they may resort to a Solidarity Fund, to be constituted in part by contributions from employers, and in part by the State. Thanks to unemployment insurance, people who are laid off will be able to maintain a certain level of income. The system eases as well the situation of persons who quit their job in search of a better position.

[107] Survey of Labour Remuneration and Costs, INE: SERNAM, 2002.

[108] Created by Law 19,728, published in the Official Gazette on 14 May 2001.

Initiatives to stimulate productive employment

222. In recent years the government has taken a series of initiatives to improve policies and programmes for fostering production, with special emphasis on smaller-sized firms, which should facilitate greater equality of opportunity between men and women in terms of access to resources and markets, since it is at this level of business where most female entrepreneurs are active.

223. The Public-Private Committee for Small Enterprise was formed in 1999, thereby fulfilling one of the 12 commitments that President Ricardo Lagos made to this sector during his campaign. This is a body for ongoing dialogue that brings together the major organizations representing the sector and public agencies responsible for formulating and implementing productive development policies, as well as the SERNAM.

224. The Committee for the Promotion of Micro and Small Enterprise was constituted in 2000, as a government body for fostering synergy and a coordinated approach in the activities of its component institutions. This Committee has established a number of commissions to address specific issues, such as the Research Commission which, among other things, is working to improve the available diagnostic data on micro and small enterprises, recognizing that the gender perspective is one of the aspects that must be systematically incorporated into such studies.

225. During 2001, public consultations were held on a proposed Statute for the Development of Small Enterprise. This proposal sets out a series of guidelines for government policy in support of this business sector. The consultations were wide-ranging, covering the various regions of the country, and involving business men and women as well as support organizations such as NGOs that have broad research and practical experience in working with small-scale female entrepreneurs. These proposals are now being readied for implementation, through steps involving specific policies for developing the sector, the reorientation of public programmes, the definition of new instruments, and regulatory and legal changes.

Support for seasonal workers

226. In January 2001 the Public-Private Committee for Temporary Employment was established. It has made a number of commitments: training for 1000 female workers as monitors of clean production techniques and risk prevention in the use of pesticides; 9000 occupational training grants for women workers, a portion of which is allocated to seasonal workers; sponsorship of nine graduate theses, one of which examined the issue of "the variables limiting the use of tax-deductible training allowances for the agro-forestry sector", which made an important contribution to the agreed training agenda, since this sector accounts for only 2% of tax-exempt training funds.

227. Since 2000 SERNAM has stepped up the pace of its work with entrepreneurs in general, and with certain productive sectors in particular, with the objective of ending gender-based occupational discrimination. It has developed a strategy for mainstreaming the gender perspective in the country's major agricultural business

organizations[109], through the Public-Private Committee on Seasonal Farm Work. Special commissions have been established dealing with occupational health[110], working conditions, child care, pesticides, and occupational training, under the responsibility of various ministries and public agencies.

228. In the fisheries sector, tripartite roundtables have been established in three regions of the country where most female fishery workers are concentrated, in order to reach consensus on measures for improving their working conditions. In this context, information workshops have been conducted on occupational health, firms have been inspected, child care centres have been opened, and meetings of female fishery workers have been held.

Sound labour practices for achieving equal opportunity

229. The Chilean government ratified ILO Convention 156 of 1981 on workers with family responsibilities[111], a move in which SERNAM played an active role. The contents of the Convention have now been publicized and tripartite seminars have been organized with the help of experts to promote and disseminate initiatives for adapting domestic legislation to its requirements. One of those measures has been the adoption of sound business practices for equal opportunity between men and women in the world of work.

230. In addition to its traditional strategies for adapting regulations and supervision and providing information about rights, SERNAM has adopted a programme to improve access and working conditions for women, known as Good Labour Practices for Equal Opportunity between Men and Women. This has involved developing a strategy for ongoing dialogue with the private sector. The initiative includes activities for sensitizing the business sector[112]; recognizing firms that adopt good labour practices to promote equal opportunity between men and women; establishing standards for good labour practices; and conducting studies[113] and producing practical guidance for implementing these policies, the contents of which relate to measures inherent to the work process, the reconciliation of occupational and family life, economic measures, and health coverage.

Employment and productive development programmes

231. In the last two years SERNAM has taken a number of steps, together with other government bodies responsible for employment and productive development, to promote labour force participation by female heads of household. These include the Employment Generation Programmes that the government is pursuing to reduce unemployment in those months in which it is now highest. SERNAM administers funds for the Pro-Empleo programme for women, intended to reduce inequalities

[109] Association of Fruit Producers (FEDEFRUTA), Association of Fruit Exporters (ASOEX), and the National Agriculture Society (SNA).

[110] The Occupational Health Commission has promoted a special programme for female seasonal workers, covering five aspects: supervision of occupational health conditions; supervision of pesticide use; health examinations; information on health rights; and training.

[111] Ratified by Chile on 14 October 1994.

[112] This includes the preparation of model codes of good labour practices in two of the country's major firms; the sponsoring of seminars and joint work with the Foreign Investment Committee, the Chile-United States Chamber of Commerce, and Acción Empresarial, a body that advises its member companies on socially responsible business policies.

[113] One study examined the costs and benefits of introducing measures for reconciling working and family life in five companies operating in Chile.

between men and women, particularly female heads of household, to address unemployment, and to enhance the ability of women to earn a regular income.

232. The emphasis in this programme is to provide support for self-employment initiatives, through training in management and marketing, the purchase of tools, and seed capital [114]. Policies to facilitate access are targeted at the poorest groups, where unemployment rates for women are much higher than for men.

233. One step has been to prepare and distribute a Manual for Women Job Seekers, prepared as part of a regional ILO project for Colombia, Uruguay and Chile. This manual is being used by the municipal labour intermediation offices (OMIL) of the National Training and Employment Service (SENCE) in the country's various municipalities.

234. In August 2002, Law 17,949[115] for facilitating the creation of small family enterprises was published in the Official Gazette. The law has facilitated the creation and legal formalization of some 600,000 family microenterprises, by reducing regulatory restrictions and requirements. Since micro and small enterprises generate more than 85% of national employment, this law has been very important for reviving the country's economy, and it has also had a very positive social impact.

235. Since promulgation of regulations to this law, a significant number of small businesses have taken advantage of it to abandon their informal status. The women who have joined this initiative are for the most part the beneficiaries of the emergency employment generation programmes for female heads of household sponsored by SERNAM, and include informal microentrepreneurs supported by the Solidarity and Social Investment Fund (FOSIS) and the State Bank. To facilitate their formalization and encourage productive initiatives by women, SERNAM published a Manual del Trámite Fácil ("Fast-track Manual") in 2002, in cooperation with economic development institutions.

236. The Ministry of Economy has included at its web site [116] a link to the SERNAM web page, so that female entrepreneurs can obtain information on activities, courses, seminars, competitions, credit support, women's rights, and access to the Directory of Female Entrepreneurs. Through the Sitio Empresa [117] web site of the Ministry of Economy, with its link to Mujeres Empresarias, women entrepreneurs can find information on training, productive development, financing, health, innovation and technology.

237. The Technical Cooperation Service (SERCOTEC) assisted 3779 women in 2002 through its microentrepreneur programme, representing around 25% of all microentrepreneur clients. Among the strategies for eliminating poverty, the Solidarity and Social Investment Fund (FOSIS[118]), together with other public

[114] The cost is approximately US$600 per woman.

[115] Its Regulations, contained in Supreme Decree No. 102, were published in the Official Gazette of 16 May 2002.

[116] www.economia.cl.

[117] www.sitioempresa.cl.

[118] In July 1990 Law 18,989 was promulgated, creating this decentralized public service to promote the country's poverty reduction efforts. It does this through providing full or partial financing of social development plans, programmes, projects and special activities.

agencies, has established support programmes for microenterprise involving training, technical assistance and advisory services in management and group support, and other programmes of financial intermediation to facilitate access to credit. Although the percentage of female entrepreneurs is low, their participation in these programmes has been very successful[119].

Professional and vocational training and retraining:

238. One area in which there have been consistent and fruitful efforts over the last decade has to do with preparing women for the labour market.

239. SERNAM has established permanent and close coordination with the National Training and Employment Service (SENCE) of the Ministry of Labour, in order to facilitate access for working women, particularly low-income women, to various labour training programmes offered by SENCE. Women currently account for around one-third of the programme's participants. It is hoped to increase the number of women participating in vocational training programmes offered by companies through the special tax deduction provision. The goal for 2003 is that 50% of trainees should be women.

240. According to data published by SENCE, training levels are low for workers of both sexes in economic sectors with the highest concentrations of women. On the other hand, more training takes place in sectors dominated by men. In light of this situation, SERNAM and SENCE have stepped up efforts to reduce occupational segmentation for women, and their difficulties of access to occupational training[120].

241. SENCE is coordinating an Interministerial Training Committee for Female Seasonal Farm workers to improve working conditions for this group. The commission comprises representatives of business associations. Its 2002 agenda includes efforts to improve the quality and usefulness of occupational training programmes, awareness campaigns targeted at helping farm workers to make better and more use of existing training instruments and to upgrade their education levels, recognizing that most have not completed primary school.

242. SERNAM is working with the Ministry of Planning and Cooperation (MIDEPLAN), the Ministry of Labour and Social Insurance, FOSIS and SENCE on a Pilot Programme for Independent Workers, aimed at preparing instructors to provide independent work training for women who were enrolled in the Female Heads of Household Programme until 2001.

243. These programmes include occupational training in addition to the training provided by SERNAM's Female Heads of Household Programme, the Women's School of the PRODEMU (Women's Advancement and Development) Foundation, and NGOs working with women.

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[119] Approximately 47.6% were women (1998).

[120] The actions agreed within this framework call for: (a) coordinating efforts with business associations to channel surplus tax-exempt training funds into occupational training grants for women microenterprise; (b) negotiating an agreement for collecting unspent tax-exempt training allowances from public and other enterprises for financing training courses for women; and (c) coordinating actions to increase the number of women taking advantage of these tax-exempt training funds.

Health and safety conditions for seasonal workers

244. A new labour strategy was proposed in 2000, with the full backing of the President of the Republic, to improve employment and working conditions for female seasonal farm workers. All public institutions involved in the strategy are now analyzing results to date, as the basis for planning further programmes and policy measures. This series of agreements is known as the "Government Commitment to Seasonal Farm Workers". Under coordination by the minister for SERNAM, the ministries of labour, health and agriculture and their associated agencies have assumed a number of commitments relating to child care, information, supervision and training in the use of pesticides, occupational hygiene, safety and health, and the enforcement of labour standards.

245. This initiative seeks to respond to one of the problems identified by the CEDAW Committee in its observations on the previous report presented by Chile, in which it declared its concern that "despite the efforts of SERNAM, women seasonal workers find themselves in a particularly precarious situation as regards working conditions, remuneration and child care".

246. Following negotiations with seasonal workers, SERNAM made arrangements in 2001 whereby temporary workers in farming, fishing and other activities could at their own option remain in the National Health Fund system for one year, by paying only 60 days of contributions, and not necessarily for continuous days. Prior to 1999, four months' contribution was required to achieve year-long coverage.

247. The Pesticides Commission is reviewing Decree 594 on occupational hygiene and safety conditions, looking at aspects relating to hygiene, showers, ergonomics, and pesticide regulations. ASOEX, FEDEFRUTA and the National Agriculture Service (SNA) are examining a proposal by the Ministry of Health and the Ministry of Agriculture for updating Decree 594 governing environmental and health conditions for the agriculture and forestry sector, in order to address this long-standing source of controversy and improve health conditions for women engaged in such work.

248. The Ministry of Health's National Programme of Occupational Health Surveillance has been underway since 2001 in nine regions of the country, covering basic health, risk prevention, protection of personnel, handling and control of agro-chemicals, hazardous waste containers, and expired pesticides. Their work is based on a set of standards issued by the Health Ministry that includes suggestions from businesses in the sector. The results from the inspection of 770 farms were delivered in March 2002.

Social security:

249. The Institute for Social Security Standardization (INP), a government agency that implements social security policies, has conducted a series of projects relating to social services, with a view to improving people's living standards and social integration. It has highlighted the social security status of women, with an emphasis on emerging factors relating, among other things, to the aging of the population and the increasing predominance of women among the elderly, discrimination on grounds of gender or disability, and child labour in families headed by women.

250. In the literacy (Lecto-Escritura) projects for pensioners sponsored by the INP, 90% of participants are women who have no schooling or who have lost their

reading and writing skills through disuse. Another project, conducted in collaboration with other agencies (departments of the Ministry of Labour, Department of Health, the Labour Department of the Metropolitan Region, the Pro-Empleo Programme and SENCE), is "Homecare for the elderly: training for caregivers", which trains female heads of household as domestic caregivers for the elderly.

251. Draft legislation has been prepared to eliminate the provision that prevents a person from receiving two or more pensions from the same fund. This will be of benefit to widows who had vested rights in several insurance funds[121]. The draft bill is currently with the Ministry General Secretariat of the Presidency (SEGPRES).

Bank loans, mortgages and other forms of credit

252. A 2002 study on individual indebtedness to the financial system [122] found that women are less likely to borrow but that when they do, they are more reliable debtors. Based on these findings, a number of banks have created special loans for women, and have done more to publicize credit to this segment of the market. According to that study, women account for 38% of borrowers and 26% of the total debt in the financial system (the respective figures for men are 62% and 74%)[123]. On the other hand, 2.3% of men's debts but only 1.6% of women's debts are in arrears, while 0.6% of women's debts and 0.8% of men's debts are in default[124].

253. When it comes to loans granted by the State Bank, women are most heavily represented in loans to microenterprise: 44.3% of loans to microenterprises go to women, while the percentage declines to 30.2% in the case of small businesses[125].

254. The president of the State Bank promised support for female microentrepreneurs at the beginning of 2002. This commitment has translated into specialized training programmes for female entrepreneurs[126], credits for improving women's living standards, assistance for pursuing higher education, and an agreement with the National Health Fund (FONASA) and Pension Fund Administrators (AFP) whereby female microentrepreneurs can access the public health, social security, and life and health insurance systems.

255. The Technical Cooperation Service (SERCOTEC) is helping to expand opportunities for female entrepreneurs through the Credit Access Programme that provides a subsidy to financial institutions making loans to microenterprises. Women have accounted for around 50% of transactions recorded between 1992 and

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121 The former Social Security Service, the former National Merchant Marine Provident Fund - Ships' Crew Section, and the former Retirement and Social Insurance Fund of the Special Forces.

122 The study on "Individual Indebtedness in the Financial System" was conducted by the Superintendency of Banks and Financial Institutions, and covered 1,809,537 individuals representing 80% of all men and women recorded in the national banking system.

123 36% of male borrowers have commercial debts (associated with productive activities), while only 24% of women's debts are of this kind. 53% of female debtors and 45% of male debtors have mortgage loans.

124 4.2% of women and 4.8% of men with commercial debts are in arrears, while only 0.8% of women and 0.9% of men with mortgage debts are in arrears.

125 Mujeres Chilenas: Estadísticas para el Nuevo Siglo "[Chile and Women: Statistics for the New Century"], INE-SERNAM, 2001.

126 Taking advantage of the SENCE's tax-exempt training funds, which implies zero cost to the client.

2002, reflecting the fact that financial institutions participating in this programme[127] have introduced special programmes for women.

Measures to prevent discrimination against female workers by reason of marriage or maternity[128]:

256. Law 19,591[129] has amended the labour code with respect to maternity protection. That law prohibits any conditions relating to pregnancy that affect access, mobility, advancement and renewal of employment for women, and thus bans discrimination against expectant mothers. It eliminates the exception that affected women working in private homes, who were excluded from the maternity rights regime. It also expands nursing room benefits for working mothers, basing the rule on the firm rather than on the establishment. The requirement for providing a nursery in any establishment that has 20 female workers or more now applies not to an individual location but to the enterprise as a whole, which means that if there are at least 20 women working in the enterprise's various shops or premises, they are entitled to this benefit.

257. Law 19,670 was promulgated in 2000, extending the maternal rights regime to adoptive mothers. That law gives such mothers greater occupational stability by preventing their dismissal during the year following the date of a court order delivering a child into the custody of adoptive parents. In addition, adoptive mothers will have the right to 12 weeks of paid leave, the right to nursing time for children under two years, and the right to seek leave to care for a seriously ill child under one year.

258. The draft bill to make pre- and postnatal leave more flexible is now in the second constitutional stage of processing. That bill will allow the transfer of a portion of prenatal leave to the postnatal period. A suggestion from SERNAM has been approved, whereby a pregnant worker can transfer up to three weeks of her prenatal leave to the postnatal period, if a physician's certificate declares that her health and that of her child is not at risk. The proposal also provides that a woman who opts for this possibility may extend the transfer time through reduced working hours.

259. Finally, draft legislation[130] has been prepared extending child feeding rights to all working mothers. The intent is to broaden the right of working mothers to two half-hour nursing periods for children under two years to include all mothers, whether or not they have nursery rights.

Childcare

260. Childcare services have nearly doubled their coverage in the last decade, but they remain inadequate. The availability of public preschool education for children under five rose from 16.6% in 1990 to 26.5% in 2000[131]. Public childcare services relate for the most part to those offered by the National Kindergartens Board

[127] Banefe, Banco Estado and FINAM.

[128] The legal initiatives mentioned in this chapter are covered more thoroughly in the section on equality before the law

[129] Published in the Official Gazette of 9 November 1998.

[130] Parliamentary motion submitted on 23 November 1995. Status: approved by the Chamber of Deputies, currently with the Senate Labour and Social Security Committee, in the second constitutional processing stage.

[131] Source: Ministry of Education, Compendium of Statistical Information 1998, 1999 and 2000.

(JUNJI), the INTEGRA Foundation, and the Ministry of Education's Education Quality Improvement Programme (MECE). In 1998, preschool coverage through the public system extended to 24.7% [132] of the population under six years. There is no direct statistical information as yet unavailable on the situation of older children, but it may be assumed that they are looked after in private childcare facilities, or by the mother or father or other relatives or friends (sisters, grandmothers, neighbours, etc.).

261. To ensure that the legal protection for maternity does not prejudice women's job opportunities, and that the reproductive role is shared by fathers and mothers, SERNAM has sponsored and will continue to promote studies and initiatives to expand the coverage of daycare facilities (for children under two years), financing this in ways that will not represent a direct burden on female employment.

262. SERNAM sponsored a programme of "Childcare Centres for Women Seasonal Workers". At the outset (1990 and 1991) there were only two centres, serving a total of 100 children in two communes; by 2000-2001 there were 143 centres, serving a total of 9971 children in 82 communes. This is a collective initiative involving JUNJI, the National School Assistance and Scholarships Board (JUNAEB), the National Sports Institute, the Integra Foundation, municipalities, seasonal workers, community organizations and businesses. In 2002 there were 146 centres operating in 86 communes and benefiting 10,100 children.

263. The business commitment is to earmark funds for these childcare experiments in order to broaden their coverage, taking advantage of the tax exemption programme. During the 2002 fruit harvest, a pilot nursery programme [133] was established, with business support, in order to enhance compliance with legislation.

264. SERNAM has analyzed companies' legal obligation to provide nursing rights through inspection visits intended to eliminate the discriminatory impact that arises when nursing rooms are treated as a direct and additional cost of employing women. In the case of seasonal farm workers, the need for child care services is more complicated than with workers in more permanent positions, because the seasonal nature of the work makes it difficult to comply fully with legislation in light of the costs involved in maintaining adequate establishments that are used only sporadically. To resolve this problem, SERNAM has proposed measures that would expand and diversify the options available to fruit producers so they can work with INTEGRA and JUNJI and the municipalities to meet the needs of seasonal workers.

- **Access to health services (Article 12)**

265. According to the Constitution, "each person shall have the right to choose the health system he or she wishes to join, either State or private". The country has two systems, a public one operated through the National Health Fund, FONASA, and a private one, operated through the Health Insurance Institutions (ISAPRES) which are regulated and supervised by the Superintendency of ISAPRES.

[132] Mujeres Chilenas: Estadísticas para el Nuevo Siglo, INE-SERNAM, 2001. Private kindergartens exist, but there is no statistical information on them.

[133] Involving five communes in four regions.

266. Most Chileans are affiliated with the public health system, and women constitute a majority of those persons. In 2000, 66.5% of the population was affiliated with the public health system, and 19.8% was enrolled in the private system (ISAPRES). There are no significant gender differences in the latter system, as there are in the public system, where 63.7% of men are enrolled, versus 69.1% of women[134].

267. Women have increased their participation in the public health system in recent years, and reduced their participation in the private system. Women joining the public system are primarily from the lower income groups. There has been an increase in the number of women registered in the public system: in 1998, 63.9% of women were registered, whereas in 2000 this figure rose to 69.2%. At the same time, there was a decline, from 22% in 1998 to 18.4% in 2000, in the proportion of women enrolled in ISAPRES[135]. A high proportion of the women affiliated with the public system are in the lower income quintiles, where more than 80% are enrolled.

268. Through its health policies, the State provides free services for persons affiliated with the public system at the first level of care, primarily prenatal and child monitoring, delivery of food through the Supplementary Food Programme, and general patient consultations.

269. In 1997 the Ministry of Health and SERNAM, working under a collaboration agreement, initiated the Women's Health Programme for developing a way of providing comprehensive, gender-focussed health care for women that would cover them throughout their lives, and not only in their childbearing years, taking account of economic, social and cultural aspects. The Women's Health Programme therefore includes specialized consultations relating to infertility, occupational health, menopause, sexual health, reproductive health, nutritional health, and tobacco use, with special attention for the most vulnerable groups: poor, rural and adolescent women. In 2002, 75% of services provided by the Women's Health Programme related to sexual and reproductive health[136].

270. Progress in health care for women has included a gradual increase in the coverage of cervical-uterine cancer testing, especially among high-risk age groups, for whom coverage was approximately 70% in 2000[137]. The number of women who opt for some form of fertility control has also risen. At the end of 2000, roughly one million women were using contraceptive methods supplied by the public health services. There has also been an increase in mental health services through the Primary Care Programme, and SERNAM and the Western Metropolitan Health Service have signed an agreement for a pilot plan to protocolize mental health interventions in cases of family violence.

271. In May 2000 a draft bill was sent to Congress to establish the AUGE ("Universal Access with Explicit Guarantees") system, as a comprehensive health system that is part of a series of legislation for health reform. The AUGE bill, also known as the "Health Guarantees Regime", refers to the universal right to health, and is intended explicitly to ensure comprehensive attention to health needs that today are the greatest causes of mortality, disability, and reduced quality of life.

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[134] CASEN 2000.

[135] CASEN for the respective years.

[136] Ministry of Health. Department of Health Statistics and Information.

[137] CASEN 2000.

AUGE seeks to guarantee coverage for 56 priority diseases, applying criteria of quality, defined waiting times, and a reasonable cost-sharing formula [138] with a cap to protect family incomes. This system does not discriminate by age, sex, economic condition, or the health system with which the person is affiliated, and it offers comprehensive care at the primary level every day of the year, with particular emphasis on prevention and promotion. It will have a significant impact on women, since many of the diseases covered are ones that affect them primarily[139].

272. One of the most serious problems with the current health insurance system is the differing premiums that people must pay as a function of their sex, age and other risk factors. To put an end to such discrimination and ensure equal access for all Chileans to AUGE services, the draft bill requires the ISAPRES and FONASA to offer the Guarantees Regime to all beneficiaries at the same price [140], without discrimination of any kind. This will be achieved through a social support mechanism [141] that will provide compensation for beneficiaries who present higher risks, especially those associated with sex and age variables. This principle of solidarity in health reform will allow all Chileans to share the financial risk of falling ill, thereby eliminating the discrimination that today affects women and the elderly. It will be of particular benefit to women of childbearing age, as well as to seniors, children under one year, and those most at risk of contracting serious diseases.

273. With respect to these issues, a draft Law on Health Rights and Duties was prepared in 2000 as part of the health reform process, and is currently under discussion in Congress. Among other things, that bill provides for access without arbitrary discrimination, i.e. it enshrines every person's right to health care without discrimination by sex, sexual orientation, ethnic origin, socioeconomic level, ideology, or health system of affiliation.

274. When it comes to dental health, the Comprehensive Dental Care Programme for Low-income Women, especially heads of household and seasonal workers, was recognized in 2002 by WHO as an innovative and highly effective social programme. During 2001 that programme served 9000 women in 82 communes. The Sonrisa de Mujer "Woman's Smile") campaign was launched in August 2000, sponsored by the PRODEMU Foundation, the College of Dental Surgeons, and the

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[138] Cost sharing implies that the patient pays a percentage, and the health system pays the rest.

[139] For example: comprehensive care, with a maximum waiting period of one month after diagnosis, is guaranteed for cervical and breast cancer, patients have the right to palliative care in the case of terminal cancers, as well as pain relief programmes, which must be initiated within 15 days after the condition is diagnosed. Pregnant women and HIV/AIDS patients requiring antiretroviral treatment will have the right to appropriate clinical treatment; care will be provided within seven days after request and will be free for children and pregnant women, with a cost-sharing factor of 0 to 20% for adults, depending on family income. All pregnant women are guaranteed professional care at childbirth, with anaesthetic or analgesic treatment if desired, and the right to be accompanied by the child's father or a relative.

[140] This price, known as the Universal Premium, will be established every three years in light of actuarial analysis, which will determine the average cost of the Health Guarantees Regime for all beneficiaries, both of FONASA and of the ISAPRES.

[141] This assistance will be implemented through a Social Compensation Fund, to which all persons affiliated with the ISAPRES or FONASA will contribute. The fund, administered by the Ministry of Health, will collect the equivalent to the average price (universal premium) of the Health Guarantees Regime for each beneficiary, and will reallocate that money to the various institutions in light of their beneficiaries' needs.

State Bank, and has been supported by various private organizations and public agencies throughout the country. Between August 2000 and November 2001, more than 66,000 women were informed and sensitized. Of the women served, 20,126 whose treatment has now been completed used cash payment alternatives, and 4757 women sought social assistance for their dental treatment.

275. In 2000, the Ministry of Health and the National Statistics Institute conducted the first Health and Living Standards Survey, using national and regional samples, to study the conditioning factors of health, the perception of well-being, the level of health, diseases, disabilities, and access to services. It has provided information for preparing health policies, and is considered as a baseline for monitoring the Health Targets and Goals established for the decade, which will be measured every four years. In that survey, all data are differentiated by sex, and the results are being analyzed from a gender perspective.

276. The Primary Care Programme for Women Suffering from Depression was initiated in 2000, with the support of psychiatrists and psychologists of the Clinical Services, and it served 66,815 people in 2001, 95% of whom were women. On this point, the "National Mental and Psychiatric Health Plan" was initiated in 1999, with female depression as one of its priorities.

277. The following programmes, the main beneficiaries of which are women, are continuing: the cervical and uterine cancer programme, the breast cancer programme, the adult health programme, the tuberculosis programme, the palliative care and pain relief programme, the older adults programme, the supplementary food programme, and the HIV/AIDS programme.

278. In the health field, the CEDAW Committee made a number of observations on Chile's last report, relating to teenage pregnancies, sexual and reproductive health services, and recognition and protection of reproductive rights.

279. The Committee recommended examining the situation of adolescents, adopting effective measures to provide reproductive and sexual health services, and addressing adolescents' information needs, including through the dissemination of family planning and information on contraceptive methods. It also urged action to strengthen measures for preventing unwanted pregnancies, including by making all kinds of contraceptives more widely available and without any restrictions.

280. In this respect, the Adolescents Programme was introduced in 1997 in the health services, intended to create services for promotion, prevention, early detection, treatment and rehabilitation of health problems in the population aged 10 to 19 years. Beneficiaries of this programme are primarily female. Between 1997 and 2000, successful efforts were made to improve coordination and integration of the activities and resources targeted at the adolescent population, and to improve the recording and the quality of information.

281. The government is implementing a Sex Education Policy that puts special emphasis on involving families and recognizing the importance of maternity and of the role of fathers and mothers in the upbringing of their children. At this time, all supervisors of the system have been trained in how to make best use of the current curriculum for addressing this topic. Along the same line, a pilot experiment is underway, in conjunction with the Ministry of Health and SERNAM, known as the "Sexual Responsibility" pilot plan, to assist communities in developing the capacity to generate their own participatory diagnoses in relation to this issue, and to define

strategies and projects for addressing it with the support of the sectors already mentioned.

282. In its observations on the previous report, the Committee referred to the inadequate recognition and protection of women's reproductive rights, and the existence of legislation prohibiting and penalizing any form of abortion, which, it said, affects women's health, increases maternal mortality, and causes further suffering when women are imprisoned. The Committee called for the revision of abortion laws with a view to their amendment, in order to provide safe abortions and to permit termination of pregnancy for therapeutic reasons or because of the health, including the mental health, of the woman. It also requested the government to abolish laws that require health professionals to report women who undergo abortions to law enforcement agencies, which then impose criminal penalties on these women.

283. A draft Law on Sexual and Reproductive Rights, submitted in 2000 by a group of parliamentarians, is currently making its way through Congress. This initiative was sponsored by the Sexual and Reproductive Health and Rights Network and other organizations of civil society. The preamble to the bill defines sexual and reproductive rights and describes the proposed framework, taking as its basis the concepts of liberty, autonomy, equality, equity and empowerment. The bill recognizes, among other things, the right of every person to enjoy sexuality as the source of personal fulfilment and happiness, and to exercise it independent of reproduction, and declares that the duty of the State is to design and execute public policies to guarantee that right.

284. The Ministry of Health has prepared a document entitled "Gender Mainstreaming in Health Reform Policies in Chile", prepared by the Ministry's Advisory Group on Gender Issues. That advisory group includes professionals from the Ministry as well as representatives of civil society and of academia[142]. The document argues that it will be difficult to incorporate the gender perspective into health policies if the concept of health is limited to strictly biomedical considerations, if the analysis of the country's health situation looks only at epidemiological criteria, and if it does not take into account social and cultural factors governing power relationships between men and women. Thus, the health reform process must "safeguard and assure the incorporation and strategic development of all those elements of the gender dimension".

285. With respect to abortion, the government has no plans to decriminalize it during its mandate, because conditions are not yet ripe for addressing the issue in public debate, not even in terms of therapeutic abortion, which existed in Chile until 1989 when it was abolished by the military government. There is firm resistance to examining this phenomenon, which effects tens of thousands of women, on the part of the conservative media, religious groups opposed to any reference to such reality, and political parties that share those positions, and this has had a strong effect on public opinion over the last three decades.

[142] Such as the Sexual and Reproductive Health and Rights Network, the Health Network of Latin American and Caribbean Women, the Chilean Institute of Reproductive Medicine, FLACSO, the University of Chile, and the Foundation for the Advancement and Development of Women (PRODEMU).

286. The CEDAW Committee also declared its concern over the fact that women can only undergo sterilization in a public health institution, and that they must have their husband's consent and must have borne at least four children. On this point, it is important to note that adult women have always been able to seek sterilization in public or private institutions: the difference was that in public institutions the woman required the authorization of her husband and must have had four children, whereas in private clinics all that was required was the agreement of the attending physician.

287. In 2000, by means of a special resolution of the Ministry of Health, new regulations were approved for voluntary sterilization of women and men. These new rules recognize and guarantee the right of adult women to submit to sterilization without requiring any other person's consent. In the case of women who do not have the legal capacity to take decisions because of mental illness, the sterilization option must be examined by the National Commission for the Protection of the Rights of the Mentally Ill, established in 2000.

288. In its observations on the last report the CEDAW Committee requested information on tobacco use among women of all ages, and on the abuse of alcohol and other substances.

289. With respect to tobacco use among women, a WHO study [143] shows that 25% of Chilean women and 38% of men over the age of 15 are smokers.

290. According to studies by the National Cancer Corporation (CONAC), the incidence of smoking-induced lung cancer among women has increased 25% in recent years. The number of male deaths from this disease has stabilized or declined in the last 10 years in Chile. By contrast, the index of female mortality from lung cancer has risen because of the high number of female smokers, and now exceeds that from breast cancer. Moreover, women who began to smoke during the 1970s and 1980s are now being diagnosed with this disease: they are over 30 years of age, with an unconquered addiction to tobacco and with low self-esteem, a psychological situation that predisposes them to the appearance and progress of this syndrome.

291. The CONAC is sponsoring a lifestyle study among women over 20 to determine their likelihood of contracting lung cancer. The hypothesis is that 5% of female smokers have the potential to become cancer patients, and that women may be more vulnerable to lung cancer than men, for which reason it would be best to combat the disease in the first years after diagnosis, particularly for persons under 50 years. CONAC will also conduct a campaign targeted at women under 30 to reduce the prevalence of the disease.

292. The Ministry of Health is conducting the "Health without Tobacco" programme, targeted at all beneficiaries of the National Health Fund (FONASA) and of the country's health services. The programme supports the formulation of policies, programmes and promotional activities for prevention, treatment and rehabilitation of alcohol, tobacco and drug users. The Ministry of Health plays a standards-setting, advisory and supervisory role in this programme, in coordination with other ministries and organizations concerned with the issue.

[143] Source: The Tobacco Epidemic: Global Public Health Emergency, WHO, 1996.

293. When it comes to drugs, a 2000 study [144] shows the following prevalence of illicit drug consumption among women: 2.92% marijuana, 0.21% coca paste, 0.48% cocaine, and 3.16% other illicit drugs. The percentages for men are 9.09%, 1.29%, 2.65%, and 10.09% respectively. In other words, drug consumption is much less prevalent among women than among men in Chile. Nevertheless, consumption is growing steadily year by year, except in the case of coca paste. Male teenagers between 15 and 19 from the upper socioeconomic class are most prone to drug consumption, according to a survey [145] conducted by the National Council for Narcotics Control (CONACE) of youth in Greater Santiago in 2002.

294. The government has designed a National Drug Prevention and Control Policy for systematic, comprehensive, coherent and concerted long-term action for preventing the abuse of narcotics and psychotropic substances, and reducing their demand. It also seeks to control supply, and to eliminate or reduce drug trafficking significantly. It calls for the treatment and rehabilitation of drug addicts in order to bring about a sustained improvement in the quality of individual, family and social life.

295. Specific policies have been adopted to prevent improper consumption, control supply, eliminate illegal trafficking, and provide treatment and rehabilitation. For applying these policies, general and specific plans have been prepared and are in effect. Activities for preventing narcotics abuse include: the creation of a national fund for community prevention projects; a plan for integral development of the individual, the family and the community; a planned public awareness campaign; and a plan for a registry and information processing system. Treatment and rehabilitation plans call for training and professional development of treatment and rehabilitation personnel; community participation in treatment and rehabilitation; and attention to drug users in prisons and in the workplace.

296. There are 58 community-oriented drug prevention programmes underway throughout the country, training women in low-income neighbourhoods to serve as prevention agents. Another step relates to the design of preventive programmes and public policies to deal with petty drug trafficking, in light of studies showing that many such traffickers are women[146].

297. CONACE is pursuing various lines of activity with women. In terms of treatment and rehabilitation, it has a contract with the judicial police force whereby three therapy groups for female prisoners have been created within penitentiaries. CONACE is also working specifically on treating female drug addicts on an individual basis, or together with their children. In addition, the Council is pursuing in-depth research into the relationship between women and petty drug trafficking, given their significant involvement in this crime.

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[144] Source: Sociological Research Department of the Catholic University of Chile (DESUC) for CONAC, "Fourth National Study on Drug Consumption in Chile", Santiago, 2001.

[145] The survey was conducted during September 2002 among 800 males and females between the ages of 15 and 24.

[146] "Women and Petty Drug Trafficking in Poor Neighbourhoods: an Exploratory Approximation", CONACE, 2001.

Participation in sports and physical activity

298. When it comes to sports and physical activity, there are a number of institutions [147] that, while not primarily devoted to sports, have an involvement in such activity through the allocation of funding for competitions, as one means of raising living standards and helping to achieve their specific objectives.

299. Until promulgation of the new Sports Act in 2001, the General Directorate of Sports and Recreation (DIGEDER) was the agency responsible for promoting and developing sports in the country. It operated under Law 19,276, as a centralized structure under the Ministry of Defence. It maintained relationships with the sporting world through its regional offices, to which projects were submitted.

300. The 1990s saw major efforts to increase female participation. The "Aerobic Gymnasium Programme for Stay-at-home Women" was launched with great success in the poorer districts of Santiago, and was subsequently extended to poor areas throughout the country. At that time, the only way for women to participate in sports or physical activity was through specific programmes offered by the government agency, or through the submission of projects by organized groups to the regional offices of DIGEDER.

301. A programme was also launched in support of female seasonal workers, offering physical and recreational activities to their children during the working day. This programme was carried out jointly with the National School Support and Scholarships Board (JUNAEB).

302. In the late 1990s the above-mentioned aerobic gymnasium programme began to attract great interest among older women, and Chile Deportes now runs a programme targeted at seniors.

303. Of great importance to the country's sports community in this decade was the inauguration of the National and International Games programme. At the national level there are the School Games and the Higher Education Games. Internationally, there are events such as the South American Student Games and the Binational Games organized with neighbouring countries. In both cases, women's participation has been very similar to that of men.

304. On 22 January 2001 the Sports Act, Law 19,712, was promulgated and the National Sports Institute (IND) or "Deportes Chile" was established as the successor to DIGEDER, as a "functionally decentralized public service with its own legal personality and capital". Its mandate is "to facilitate the practice of physical activity and sports, thereby contributing to people's quality of life". It is also responsible for proposing national sports policies, promoting a sporting culture, and distributing funding, among many other functions.

305. The proposed National Physical Activity and Sports Policy, defined as "the framework and the horizon within which State efforts must be directed for the promotion, popularization and improvement of sport" has adopted "equal opportunity" as one of its principles, and has made it a specific objective "to establish and coordinate a programme to diversify opportunities for the permanent and sustainable practice of physical and sporting activities".

[147] The Solidarity and Social Investment Fund, CONACE, municipalities, etc.

306. The IND pursues its activities through the following programmes: sports training for children of school age, with preference to those from the neediest families; recreational sports for various age groups in the lower income brackets; competitive sports, primarily for children and youth; and "high-performance sports", to support the country's sports federations and the Chilean Olympic Committee (COCH) in their efforts to develop competitive teams in various sports of interest.

307. These programmes, which embrace all age groups, offer clear evidence of efforts to incorporate women into sports and physical activity. For example, the sports training programme has conducted "sports schools" with high female participation: in 2002, 47.1% of beneficiaries were female[148]. In the recreational sports area, the most successful programmes have been the "aerobic gymnasiums" and the " seniors gymnasiums", where 48% of beneficiaries were women[149]. Under the competitive sports programme, nearly 50% of participants in the School Games are girls, while on average women account for only 27.1% of participants in competitive sporting activities[150]. It is in the "high-performance sports" programmes where women and girls participate least, but there are short, medium and long-term strategies being developed to encourage more female competitiveness.

308. Available statistics show that until the end of formal education, males and females have roughly the same involvement in sporting activities. Thereafter, women abandon sports in significant numbers, only to return in later life. Recognizing this, the IND will be able in future to design special policies so that women of childbearing age can continue to engage in sports and physical activities.

6. Marriage and family relations (Article 16)

309. The Civil Registry Office has since 1999 prepared and distributed a series of brochures to increase public understanding of rights, particularly in the field of family law. These have been particularly useful to women, dealing as they do with issues in which women are most likely to be involved, through consultations or legal proceedings [151]: birth, death, marriage, property regimes, filiation, motor vehicle registration, criminal records, new passports, new identity cards.

310. In terms of legislation governing marriage and family relations, recent measures were explained in the chapter on "Equality before the Law". The following should be highlighted:

311. The bill amending the Civil Marriages Act, establishing divorce with the same requirements for men and women, and guaranteeing economic compensation for the spouses who has borne the bulk of childcare and domestic responsibilities.

312. The Filiation Act, Law 19,585, which came into force in October 1999, and which establishes the equality of children before the law. It eliminates all types of discrimination between children born in and out of wedlock, giving the latter

[148] IND statistics, 2002.

[149] Idem.

[150] Idem.

[151] Statistics for 1996 show the following distribution of court cases by subject matter: family problems 43.3%; labour problems 24.6%; crimes 14.5%. In 1998, 63% of civil suit rulings dealt with alimony claims. In that same year there were 73,559 cases involving family violence. It is estimated that 90% of the victims of sexual crimes are women. Source: Manual for Quality Care from a Gender Perspective, SERNAM, 2002.

category the same rights of support, inheritance and legal representation. It establishes the principle of unfettered investigation of paternity, in which all forms of evidence, including biological, are admitted.

313. On 18 January 2001, Law 19,711 was published in the Official Gazette, regulating visiting rights for children in the custody of one of their parents. This law gives effect to the right of fathers or mothers not living with their children to maintain a direct and personal relationship with them.

314. The bill replacing the joint ownership system by a system of "deferred community of property". This bill introduces important modifications to the matrimonial property regime, replacing the joint ownership system by one that establishes equality between husband and wife over the community of property.

7. Suppressing violence against women (Article 6 and United Nations Recommendation No.19)

· Domestic and family violence

315. The first study of the prevalence of family violence [152] in Chile was conducted in 1993. It found that 26.2% of women living in a marriage or partnership reported suffering physical violence at the hands of their partner, while 33.5% declared that they had suffered psychological abuse. In 2001 a new survey [153] was conducted by SERNAM, showing that 50.3% of women currently or previously living in a marriage or partnership in the metropolitan region had suffered some form of violence from their partner: 16.3% had suffered only psychological abuse, while 34% had suffered physical or sexual violence. Of the latter group, 14.9% experienced sexual violence. The most common form of violence against women is in fact that which occurs within the home, and it is most likely to be committed by a partner or former partner, in the form of physical, psychological or sexual abuse.

316. In 1992 SERNAM created the National Programme for the Prevention of Family Violence in which for the first time the government addressed the issue of preventing violence and caring for its victims. During this period the first six Centres for Prevention and Care for Victims of Family Violence were created, and the first training modules were developed, beginning with the Carabineros de Chile (national police force). In the intervening 10 years the government, through SERNAM, has succeeded in placing family violence squarely on the public agenda, identifying the many dimensions of family violence and addressing the problem as a social and cultural question, as well as incorporating the gender dimension into both prevention and care activities. It has also begun to promote interagency community networks throughout the country for making full use of existing resources and for securing the commitment of politicians, professionals and civil society to addressing the problem and ways of resolving it, primarily through prevention work.

317. On 27 August 1994 Law 19,327 on Family Violence was promulgated, after four years of parliamentary processing. That law encourages the laying of complaints and provides mechanisms for protection and punishment. Currently, the

[152] SERNAM: "Study of the Prevalence of Family Violence", Santiago, 1993.

[153] SERNAM: "Detection and Analysis of the Prevalence of Family Violence", Santiago, 2001. The study used the basic protocol of the WHO.

government is sponsoring a bill to amend that law[154] in order to improve its enforcement. In addition, Congress is now considering a bill to create family courts, which would amend some procedural aspects of the Family Violence Law, and would transfer jurisdiction in this area from the civil courts to the new family courts.

318. In 1996, the Chilean government ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the "Convention of Belem do Para"[155].

319. In 1998, the "Technical Guidelines for Treating Child Abuse and Family Violence"[156] were officially adopted, and prevention and care activities were initiated in the Family Mental Health Centres (COSAM), while the Health Programmes for Women and Children also addressed prevention and detection. In that same year the "Guide for Detecting and Responding to Physical and Sexual Abuse of Children and Adolescents in the Emergency Services"[157] was prepared.

320. In 1999 the Criminal Code was amended in its provisions on sexual crimes[158], representing a significant reform that explicitly criminalizes marital violence. Since the promulgation of that law and Exempt Resolution 710 of the Forensic Medicine Services, all health professionals in hospitals, clinics or similar institutions, whether public or private, are authorized to conduct medical examinations and biological tests to prove such crimes and identify the perpetrators. The Ministry of Health is taking steps this year to increase the capacity and quality of care for victims of sexual violence, through new regulations and protocols and agreements with the Attorney General's office.

321. In 2001, SERNAM launched the Manual for Application of the Family Violence Act, targeted specifically at judges and justice officials. It has also provided training for many public officials, primarily in education, health, the judiciary, and the municipalities and police forces (in particular the Carabineros) for dealing with family violence, principally through primary and secondary prevention efforts. From 1991 to 1999, some 24,000 public officials received training.

Scope of protection

322. A number of awareness campaigns have been conducted in recent years through the media, aimed at preventing family violence[159]. Of particular note was the campaign entitled " Women with Rights, Women as Citizens", which included distribution of information pamphlets titled "My Partner Abuses Me, What Can I Do?", and provided direct information to women about the Family Violence Law and about places where they could seek help.

323. A Campaign to Prevent Family Violence among Young Couples was conducted in 2001, with the slogan "Don't Let Violence Strike Your Partner", the purpose of which was to promote harmony among young couples based on mutual respect and non-violence, in coordination with civil society. The strategy was designed to mobilize society around this issue and secure its commitment to cultural change in

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154 See the section on Equality before the Law.

155 OAS, Belem do Para, Brazil. This Convention was published in the Official Gazette of Chile in 1998, and is thus in full effect in our country.

156 Ministry of Health, 1998.

157 Ibid.

158 See the section on "Equality before the Law".

159 See the section on "Changing Social and Cultural Patterns".

the direction of a culture of peace, based on respect and equality of rights. The campaign was conducted simultaneously in two ways, involving civic action and media messages (posters, radio and television spots, educational videos, brochures).

324. In terms of preventing family violence, outreach workers were trained in all regions of the country during 2000 and 2001 to pursue public education work in dispute settlement with a gender focus. Basic and intermediate education modules were prepared for this purpose.

325. The National Kindergartens Board (JUNJI) has been working since 1999 under an agreement with SERNAM to strengthen promotional efforts with preschool children and their families through an emotional health and family relationship development project, in kindergartens in the country's 13 regions. Between 1999 and 2001, 850 teachers were trained in 101 kindergartens, benefiting 5335 families, and the project has now been built into the JUNJI curriculum.

326. An important step in the strategy for prevention and education was the introduction of family violence as a topic in the professional training curriculum for, among others, the Judiciary Academy (for judges and officials), the Carabineros (for police officers of all ranks), and in certain branches and postgraduate programmes in universities. The issue has also been introduced, in part and in various ways, into the high schools, where students of both sexes are encouraged to research the matter in libraries and documentation centres or to seek counselling with professional experts.

327. During 2002 and 2003 work continued in the Family Violence Prevention Roundtables, consisting of representatives of SERNAM, United Nations agencies, and civil society. Coordinated by SERNAM, these roundtables promote action on both the education and the health fronts to foster democratic behaviour based on equality, respect for diversity, and dialogue as a method of dispute settlement.

328. The Ministry of Justice has developed a policy for preventing child abuse, with a special focus on violence against girls. One of the tasks of the Department of Minors in the Ministry of Justice since 1995 has been to coordinate the Interagency Committee on the Prevention of Child Abuse[160]. This Committee is responsible for designing policies, making recommendations, and coordinating efforts of the various public players in this area. A Plan for the Prevention of Child Abuse 2001-2006 has been prepared for this purpose. Among other actions, that plan calls for efforts to prevent abuse and promote proper treatment of girls and boys. Since 1997, the Committee has been conducting national and regional campaigns each October on the proper treatment of children, as a means of promoting respect for children's rights and preventing child abuse.

Dealing with situations of violence

329. In response to the rising demand for dealing with situations of family violence, SERNAM established 23 "Comprehensive Care Centres for Victims of Family Violence" throughout the country in 2001 and 2002, in addition to the 13 centres that existed previously.

[160] The Committee consists of representatives of the Ministries of Education, the Interior, Finance, Planning and Cooperation, and Health, the Regional Ministerial Secretariat of Justice in the Metropolitan Region, the Ministry of Justice and its services (National Minors Service, Judicial Police, and Forensic Medicine Service) the SERNAM, the Carabineros and the Judicial Police. The Network of Municipal Children's Defenders has also participated, and the INTEGRA Foundation, JUNJI, FOSIS, and the Foundation for the Family (Office of the First Lady) and UNICEF have subsequently become members.

330. These centres consist of interdisciplinary teams (lawyers, psychologists, social workers, monitors). Their objective is to prevent family violence and to provide specialized care to women, girls and boys who are the victims of such violence, and to the men who commit it. The work of the centres is now being evaluated and reviewed for the purpose of redefining policy in this area.

331. Thanks to these interventions, an institutional network of services [161] has been established in recent years to provide specialized support in cases of rape or sexual abuse of women and children. The Centres also provide continuous training for the officials of institutions dealing with this problem throughout the country: during 2001 and 2002, 5067 officials received training.

332. Care is also provided through the Mental Health Network, primarily in the Community Centres for Family Mental Health (COSAM) that have been established in five regions of the country, with multidisciplinary teams consisting of psychologists, social workers and psychiatrists[162]. In 2001 they dealt with a total of 28,597 people with various mental health problems; of these, persons treated for violence included 7503 women, 3044 children and 1269 aggressors. There were also 4904 preventive interventions.

333. These years also saw a number of initiatives by nongovernmental organizations to improve the accessibility and quality of immediate care for female victims of domestic and sexual violence. In many of these initiatives, relating both to care and prevention, the government has worked together with civil society or has been inspired by it to design and implement policies, actions and programmes.

Violence against rural women

334. One study of violence against women [163] revealed the proportion of victims by area of residence: in urban areas, 45.4% of women declared that they had suffered some type of violence, while in rural areas the figure rose to 50.4%. 19.7% of urban women and 17.1% of rural women have experienced situations confined to psychological abuse. 25.7% of urban women and 33.3% of rural women have experienced physical or sexual violence, or both. This group has also suffered psychological abuse.

335. From the foregoing it may be concluded the rural women are more likely than urban women to be victims of violence; that the prevalence of psychological abuse is similar in both areas; that physical or sexual violence is greater in rural areas, and that most of the women who have suffered such violence have also experienced psychological abuse.

336. To address violence against women in rural families, a strategy has been adopted for creating local support and prevention networks to coordinate existing institutional resources in providing initial shelter and assistance, legal information and social support for victims. Training has also been provided for public officials.

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[161] Consisting of agencies such as: CAVAS (Care Centre for Victims of Sexual Assault), the Sexual Crimes Brigade of the Judicial Police, the National Service for Minors, the Forensic Medicine Services of the Ministry of Justice.

[162] Psychiatrists are present only in the COSAMs of the Metropolitan Region.

[163] SERNAM: "Detection and Analysis of the Prevalence of Family Violence in the Araucania Region", Santiago, 2001.

Criminal penalties and other remedies

337. Chilean legislation contains no explicit criminal penalties for the various forms of violence against women, except where such violence causes moderate or severe injury, in which case imprisonment applies. The Family Violence Act, although it is a civil statute, provides for imprisonment of up to 60 days, a fine, compulsory therapy or re-education, and the performance of community work.

338. It must be noted that Chile is progressively implementing reforms to its criminal procedures that will result, among other things, in protection and proper treatment of victims and in prompt, effective and transparent procedures that will benefit female victims of serious assault and sexual violence.

339. With respect to civil remedies in cases of family violence, reference has already been made to Law 19,325 on family violence and the proposed amendment to that law, as well as the bill to create the family courts. In both cases, provision is made for protection and for appropriate procedural remedies.

340. Because of lack of resources, there are no government-run shelters for family violence victims. For this reason, SERNAM has been working with the Care Centres for Victims of Family Violence to coordinate the existing women's shelters in the country. Their number still falls short of demand, and they are primarily dependent on private or religious organizations such as the Methodist Church or the Catholic Church, through the Hogar de Cristo.

341. In cases of incest or sexual abuse, support is channelled through the Care Centres for Victims of Family Violence and through the Victims and Witnesses of Violent Crime Unit of the Ministry of Justice.

Public safety

342. The Ministry of the Interior has a Public Safety Division, the mandate of which extends not only to criminal acts against individuals but also, since 2002, to family violence. According to that policy, family violence has been redefined and is now viewed not as something confined exclusively to the privacy of the home, but as an act of violence that affects the safety of the public, and particularly women, its victims and its witnesses, and the community as a whole. Family violence also has a direct impact on the rising crime rate, since children from violence-prone families are more likely to drop out of school, to become pregnant, and to drift into crime, drug addiction, and alcoholism.

343. These factors make violence of this type an important topic on the public safety agenda that is being discussed in the Public Safety Committees at the neighbourhood and commune level. At the end of 2002 there were 24 communes with a public safety plan in place, and 16 other communes are in the process of adopting one for 2003.

· Sexual violence

344. The prevalence of sexual violence is difficult to determine, because the available statistics relate only to cases that are brought to public light through a complaint or a medical consultation in a State health centre. Nevertheless, there are studies that permit an estimate of the magnitude of the problem in Chile.

345. In 1992, the Sociological Research Department of the Catholic University of Chile, in a study sponsored by SERNAM, estimated that some 20,000 sexual crimes are committed each year in Chile, and that only 15% to 20% are reported, meaning that between 80% and 85% of such cases never come to light[164]. Nine out of 10 cases involve female victims, with the greatest percentage of them between the ages of five and 14 years. More than 70% of assaults are committed by a person related or known to the victim.

346. According to the Ministry of Health's National Study on Sexual Behaviour (2000), taking a representative sample of the population[165], "more than seven of every 100 women interviewed declared that she had been raped. In half of these cases, rape constituted her sexual initiation"[166]. This new information represents important input into planning for the prevention and treatment of sexual violence through the justice, health and education systems, as well as through civil society organizations.

347. The study also confirmed the known fact that attackers tend to be relatives or acquaintances: "Most female rape victims (78%) reported that the attacker was an acquaintance, a relative or a partner"[167]. According to the study, "the information reported clearly demonstrates the vulnerability of women (sexual vulnerability reinforced by a broader type of social vulnerability), and that women not only suffer the impact of physical and psychological violence from rape but are also exposed to HIV"[168].

348. Other information on the problem is provided directly by the Forensic Medicine Institute. In 2000, experts from the Forensic Sexology Unit examined 889 cases of sexual assault in the metropolitan region, and 4395 elsewhere in the country, while the figure for 2001 was 2217[169]. Of the victims served by this unit, approximately 75% were under 18 years of age, and 80% were female. In Santiago there were 660 examinations for rape (both sexes) and 1221 for sexual abuse[170]. Data supplied by the CAVAS (Care Centre for Victims of Sexual Violence) show that in 10 years that Centre has treated 5439 victims nationwide, of whom 80% were under 18 years of age, and 78% were female. The statistics show that most of the people affected are women, and that most of the victims seeking or receiving help are under 18 years of age.

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164 This is referred to as the "dark figure" i.e. the number of cases that occur but that are not legally pursued.

165 The responses used were provided by 5407 individuals aged between 18 and 69 years.

166 It is noteworthy that this figure remains constant by age group and geographic location. There are no significant variations in terms of urban size (capital city, larger cities, intermediate cities). Where variations do show up is in the level of education (basic 11%, intermediate 6.8%, higher 3.5%) and the socioeconomic level (upper-middle 5.1%, poor 10.2%). Bravo, L: "Estudio Nacional de Comportamiento Sexual. Primeros Analisis Chile 2000", Ministry of Health, National AIDS Commission, National AIDS Research Agency, Chile, 2000.

167 Ibid.

168 Ibid.

169 Forensic Medicine Office, Statistics, 2000 and 2001. It should be noted that the increase in the number of examinations for sexual abuse between 2000 and 2001 reflects a greater number of consultations, but not necessarily an increase in sexual abuse: the greater number of examinations may in fact reflects the publication of the 1999 amendments to the criminal code respecting sexual crimes, which among other things simplified judicial procedures for these crimes, and reinforced protection of victims' rights.

349. Another study demonstrating the magnitude of the problem is that of the NGO Educación Popular en Salud (EPES) on Sexual Violence in Marital Relations in the Commune of San Ramon, Santiago, Metropolitan Region[171]. According to that study, 22.7% of women surveyed declared that they had suffered sexual violence, and of these, 21.4% involved the male partner forcing his sexual attention upon the woman. In terms of the profile of women affected by sexual violence, their average age is 41 years, 80% are married, 52% are housewives, 48% have a paid job, and 47% have completed basic education.

350. It has been found that 63% of Chilean women who have experienced physical or sexual violence in a partnership show seven or more symptoms of mental health disorders[172]. Those symptoms include: diminished appetite, difficulty in performing daily activities, a feeling that they are unable to play a useful role in life, and contemplation of suicide. Such symptoms make it difficult for a woman to lead a normal family, professional or social life and to have confidence in herself, in her family, her community, and society in general.

351. Unfortunately the foregoing statistics, because of their sporadic and heterogeneous nature, are inadequate for determining whether sexual violence has been rising or declining in recent years in Chile, and thus to what extent the policies, programmes and legal reforms discussed below have contributed to reducing its prevalence.

352. In 1999, as noted., the criminal code provisions relating to sexual crimes were amended, representing a significant contribution to reform in this area by making marital violence an explicit crime. The law criminalizes anal and oral violation and marital rape, gives full evidentiary value to medical certificates issued by any entity, and establishes measures for protecting victims. The reforms to the code of criminal procedures, now under way, will facilitate prosecution of cases of sexual violence and will improve the treatment of victims.

353. The Care Centre for Victims of Sexual Assault (CAVAS), a Division of the Judicial Police of Chile, was created in 1987 to advise, guide and sensitize the community with respect to sexual assaults, seeking to demystify the crime by presenting the real picture of abuse, and educating the public. The centre has an interdisciplinary professional team of psychologists, psychiatrists, social workers and others with the primary function of treating victims, who are provided free assistance and police, psychological, legal and social services, whether or not they lodge a formal complaint.

354. The Forensic Medicine Office plays an important role in conducting forensic examinations for sexual assault. These examinations are conducted through the Forensic Sexology Unit, which assists the judiciary in legal medical matters by detecting evidence to confirm crimes of sexual aggression, primarily against women. Since August 1995 the Unit has been providing services 24 hours a day including weekends and holidays. It has a highly specialized staff team who are fully aware that people turning to the Unit have suffered a traumatic experience, and service is provided in ways that minimize the stress of dealing with officialdom.

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[170] Ibid.

[171] Calvin, P. and Toro, C.: "Marital Sexual Violence and Public Care Services", First Investigative Report, "Marital Violence in San Ramon", Educacion Popular en Salud, EPES, May, 2001

[172] SERNAM: "Detection and Analysis of the Prevalence of Family Violence", Santiago, July 2001.

They have up-to-date tools for detecting the slightest trace of injury or sexually transmitted disease, and they take biological samples for DNA testing.

355. An agreement with the Carabineros and the judicial police has provided the Unit with staff from those two institutions to handle complaints of sexual assault. The contract provides for the permanent presence[173] of a police officer[174] and an investigator from the Sexual and Juvenile Crimes Brigade (BRISEXME). This office also has a telephone hotline for reporting sex crimes.

· Trafficking in women and the exploitation of prostitution

356. Chile currently has some 60,000 people engaged in the sex trade, of whom 10,000 are minors [175]. The statistics are not disaggregated by sex. There are no known statistics on trafficking in persons.

357. Chile has not ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others[176], nor has it ratified the United Nations Convention against Transnational Organized Crime[177], or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children[178], supplementing that Convention. The country has not ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

358. In 1996 Chile ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)[179], which refers to various forms of violence, trafficking in persons, and forced prostitution.

359. In terms of domestic legislation, Article 367 of the Chilean Penal Code prescribes the facilitation of prostitution (procuring) and the corruption of minors. Law 19,409 of 31 August 1995 on trafficking in persons added Article 367-bis to the criminal code, creating this crime. That Article punishes anyone who promotes or facilitates the entry or departure of persons for purposes of engaging in prostitution in Chile or abroad. The penalties are increased if the victims are juveniles, or the crime is performed with violence or intimidation, or uses deceit, abuse of authority or of confidence or relationship, or if the aggressor is the victim's spouse, tutor or guardian, or takes advantage of the victim's economic straits, or if the conduct is habitual.

360. Prostitution is not prohibited as an activity in Chile, but it is regulated with sanitary controls[180] and in some cases, for example when there is a scandal in a public place, it is punished as "an attack against decency or good custom" (atentado al pudor o las buenas costumbres) [181]. Brothels and bawdy houses are not permitted.

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[173] On duty 24 hours a day, every day of the year.
[174] Belonging to the 48th Precinct for Family and Sexual Crimes.
[175] National Service for Minors, 2001.
[176] Adopted by the United Nations General Assembly, Resolution 317 (IV) of 2 December 1949; entered into force on 25 July 1951.
[177] United Nations, 2001.
[178] United Nations, 2001.
[179] OAS, 1994.
[180] Health Code.
[181] Criminal Code.

8. Elimination of discrimination against specific groups of women

· Rural women (Article 14)

361. In its observations on the third report submitted by the government of Chile, the CEDAW Committee requests the government to provide in its next report information on progress in the situation of rural and indigenous women, in particular with respect to their health, employment and education status.

362. In the last decade there has been a significant reduction in the percentage of rural dwellers, and a proportionate increase in the urban population. The 2002 census shows that the rural population accounts for only 13.4% of the country's total, while persons living in urban areas account for 86.6%. In 1992, 16.5% of the population lived in the countryside, and 83.5% in the cities.

363. In rural areas, in contrast to the rest of the country, the female population is a minority, yet in recent years the proportion of women among rural inhabitants has increased slightly [182]. The unfavourable comparison between living conditions in rural and urban areas drives people from the countryside to the cities, where instead of finding solutions they frequently end up swelling the ranks of the urban poor.

364. Despite the progress that the country has made in the last decade in terms of reducing poverty, improving access to higher education levels, housing and basic services, it has not been sufficient to close the gap between the rural and urban worlds. That gap shows up in differences in education, literacy, poverty and working conditions, and rural women are still at a disadvantage in comparison with their urban sisters, and with men in both zones. This is true despite the significant improvements that can be seen in rural areas, particularly in the situation of rural women, for example in their participation in the labour market and in their levels of education.

Poverty among families headed by women[183]

365. Although there has been a general decline in female poverty in recent years, rural women are still more affected by poverty than are rural men or urban women. In rural areas, 24.7% of women are living in poverty, compared with 23% of rural men. In the cities, women are less likely to be indigent than are rural women (5.4% versus 8.7%).

366. While there has been a gradual rise nationwide in the number of families headed by women, the proportion of such households is lower in the countryside. In 2000, 23.1% of Chilean households were headed by a woman, but the proportion among rural households was 16%, while among urban households it was 24.3%. Nevertheless, the proportion of female household heads older than 60 is higher in rural areas (56.7%) than in urban areas (37.8%).

367. The greater incidence of poverty in the countryside can be seen in the fact that nearly two-thirds of rural households headed by women are poor. In rural areas,

[182] Census data show that there were 86 women for every 100 men in the countryside in 1992, and 87 women for every 100 men in 2002. By contrast, the femininity index in urban areas stood at 108 women for every 100 men in 1992, and 106 women for every 100 men in 2002.

[183] This section is based on the MIDEPLAN document "The Status of Women in Chile", prepared on the basis of CASEN 2000 survey data, Santiago, 2001.

64.1% of households headed by women are in the lower income quintiles [184], while in urban areas only 37% of such households fall within these quintiles.

Labour[185]

368. The labour force participation rate among rural women has risen steadily since 1990. Rural women's participation rate increased from 17.6% in 1,992 to 22.4% in 2000. It should be noted that between 1998 and 2000, despite a slight decrease in the country's labour force, women increased their participation rate while that of men declined, and the increase for women was particularly pronounced in rural areas, where it rose from 22.1% in 1998 to 24.4% in 2000.

369. Despite the foregoing, rural women's labour participation rate is still below that of their urban sisters, and even further below that of men. While rural women have a participation rate of 22.4%, the rate for rural men is 73.8%, and for urban women it stands at 41.8%. Moreover, the participation gaps between rural women and men are greater than those between urban women and men. The figures for the active rural female population are however understated [186], and it is estimated that more than 1/5 of rural women are active.

370. While the unemployment rate in 2000 was higher than in 1990 [187] for men and women in urban and rural areas alike, urban women have the highest unemployment rate, exceeding that for urban men and also that for rural women. Yet unemployment is significantly higher among rural women than it is among rural men. In 2000, the female unemployment rate was 11.7% in the cities and 10.1% in the countryside, while that for rural men was only 6.6%.

371. In terms of branches of economic activity, in rural areas women are engaged primarily in agriculture, hunting, forestry and fishing, and in community, social and personal services, in similar proportions totalling 70.8% of their participation. Female incomes are lowest in agriculture, hunting, forestry and fishing, together with manufacturing and handicrafts, and electricity, gas and water, and those incomes are moreover far below those for men in the same branches, and those for urban women. The fourth lowest incomes are those recorded in community, social and personal services.

372. In terms of incomes, there are pronounced differences by occupational groups, marked by the low incomes earned by unskilled workers [188], a status that applies to great numbers of working rural women and men: 37.7% of working rural women are unskilled, and the figure for rural men is the same; 18% work in retail and restaurant

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[184] Households in the first two income quintiles.

[185] This section is based on the MIDEPLAN document "Status of Rural Employment in Chile", prepared on the basis of CASEN 2000 survey data, Santiago, 2002.

[186] Factors of a statistical nature determine the occupational status of women, producing an understatement of female employment, in particular that relating to farm work. For survey purposes, rural women are commonly classified as part of the inactive population or the unpaid family workforce, which conceals the fact that they may be engaged, for example, in producing food and services that sustain the rural economy.

[187] This reflected the mass layoffs that occurred in the country in the wake of the 1998 economic recession.

[188] This group is engaged primarily in farm work, such as sowing, harvesting, gathering, livestock raising, seasonal fruit picking, as well as in handicrafts and other non-farm work.

sales, seven times as high as the proportion for men; and 17.1% are skilled farm and fishery workers, a figure that is duplicated by men.

373. We may conclude the following about the occupational status of rural women: their participation rate in the labour force has increased more than that for men, although it is still lower; their unemployment rate is considerably higher than for men, but lower than that of urban women; they are employed for the most part in community, social and personal services and in agriculture, hunting, forestry and fishing, and in retail trade; the proportion who are unskilled is high, but about the same as for men; and yet they have less schooling than men.

374. Rural women's incomes are on average well below those for men, with great disparity among the various trades and branches of activity. Nevertheless, although their incomes are lower, they are less likely to fall within the first two income quintile..

375. Rural working women, and working men as well, are more likely to have non-permanent jobs; fewer of them have a work contract of indefinite duration, and more of them have no working contract. Among workers with no contract in rural areas the differences by sex are minimal: the female proportion is slightly higher. The proportion of women with a contract of indefinite duration is lower than for men, while women are more likely to have a term contract. In urban areas, the proportion of women working without a contract is significantly higher than that for men.

376. In percentage terms, more women work in single-person businesses, while men are more likely to be employed in businesses with more than one but fewer than 50 people. In rural firms with more than 50 workers there are more women than men, and the proportion of male and female workers not contributing to social insurance is the same, and high. In terms of labour benefits, 56.4% of rural workers of both sexes have insurance, while the nationwide average is 62.6%.

377. A significant aspect to consider when it comes to incomes is that women have lower incomes than men in rural and urban areas alike, but the ratio is less unequal in the countryside. The average income for urban women is only 61.1% of the male average, while in the rural area into 79.7% of the male level, i.e. incomes are less unequal. Nevertheless, it must be recognized that average rural incomes are only 49.1% of the urban level. This reflects the sharp inequalities between city and countryside, which are greater than inequalities between the sexes.

Education[189]

378. Chile has made significant progress against illiteracy, which however remains higher in rural than in urban areas. In 2000, only 4% of the population was illiterate, and there were no significant differences between men and women. Yet there were important differentials by area of residence: while the illiteracy rate in urban areas was only 2.6%, it rose to 12.2% in the countryside. This situation is explained primarily by the high rate of illiteracy among the rural population over 60 years of age, in which group women are particularly disadvantaged.

379. Education levels among rural women have improved significantly, equalling and in some cases even exceeding the levels attained by men. Yet they are still below levels in urban areas. In 2000, the population 15 years and over had an

[189] This section is based on the MIDEPLAN document "Status of Women and Gender Gaps", prepared on the basis of CASEN 2000 survey data, Santiago, 2002.

average of 9.8 years of schooling, without significant gender differences. While the level of schooling in rural areas is notably lower than in urban areas (6.7 years versus 10.3 years), rural women have slightly more schooling than their male counterparts. This differential in favour of women is greater in the younger age groups, but becomes negative for women over the age of 40.

380. We may conclude that women's educational levels have improved considerably, in both urban and rural areas. There has been significant progress in girls' access to education, particularly in rural areas. Even so, differences persist between the poor and nonpoor: girls from poor families are less likely to go to school, citing the need to go to work or to do household chores, where gender differences can still be seen.

Health[190]

381. In the health insurance system differences are apparent by area of residence. Rural people make proportionately more use of the public health system, and more of those who do so are indigent. In 2000, 66.5% of the population were contributors to the public health system through the National Health Fund (FONASA): 63.7% of men and 69.1% of women. Nationwide, one in five users was indigent, a proportion that in rural areas rises to around 60%. The proportion of people enrolled in the private ISAPRES system is greater in urban areas (about 20%) than in rural areas.

382. In the case of women, because they are less likely to be working or to have a formal labour contract, they have more difficulty in securing any form of health insurance, or must do so as dependents of their spouse.

383. In terms of preventive health, there has been significant progress in the preventive control of cervical cancer among rural women, and in providing proper and timely treatment following diagnosis. While in 1990 a woman's place of residence appeared to be a factor influencing the likelihood of a Pap smear test (34.9% rural and 40.6% urban), by 2000 the difference between rural and urban women had narrowed, with coverage rates of 52.3% and 53% respectively.

Policy design, development and monitoring

384. The State began to pay particular attention to rural women with adoption of the Equal Opportunities Plan for Rural Women in 1995. Between 2000 and 2002, the Rural Women's Task Force was reinforced as a forum for discussion and coordination of activities and resources, involving rural women, NGOs and government institutions. Its central objective is "to contribute to the design, implementation and monitoring of policies, plans and programmes that will have a positive impact on the development and empowerment of rural women and of those engaged in agroforestry, taking into account their ethnic, cultural, age and social diversity".

385. The task force has identified 84 gender indicators for the rural sector, and has organized rural roundtables in the country's 13 regions. From the coordinated efforts of those 13 roundtables a number of proposals have emerged for developing new public institutions to promote initiatives for rural women and for improving existing programmes, using the Management Improvement Programme (PMG) to identify variables where action is needed for rural women.

[190] Ibid.

Access to credit

386. Generally speaking, public policies for rural women have focused primarily on producers. Through the National Agricultural Development Institute (INDAP), the government has designed policies for modernizing family farming, and for providing various financial services, technical assistance, and irrigation facilities. In 1990 the Institute began to shift its traditional approach to women's role, recognizing their contribution to the productive system and the lack of equity in their access to and control of the resources needed to pursue their agricultural activities, and it began to involve women more closely in its work.

387. Between 1998 and 2001, women's share of individual INDAP credits rose from 16% to 17%. In terms of investments, there has also been an increase in their share, from 12% in 1998 to 13% in 2000. In both years, women accounted for 20% of the activities of the Technical Advisory Services.

388. Agricultural output subsidies were provided to 17,075 women in 2001, representing 62% of the total granted. This figure reflects the fact that the status of being a female head of household was taken as one of the selection criteria. In 2000, US$430,000 was provided in support of 222 investment projects for 1693 women farmers, who were selected through the competition for Women's Farming Projects.

389. The Foundation for Agrarian Innovation (FIA) provided assistance to 721 women in 2000, for projects relating to llama breeding, floriculture, organic horticulture, beekeeping, management and agrotourism, and it sponsored 19 technological extension missions for a total cost of US$543,000. Some US$2.5 million has been earmarked for innovation projects by female producers over the next five years.

· Indigenous women [191]

390. According to data from the 2002 census, the country's population of indigenous origin was 692,192 or 4.6% of the total population. Of the country's native ethnic groups, the largest (87.3%) are the Mapuche, followed by the Aymara (7.0%) and the Atacameños (3.0%). The remaining ethnic groups combined account for less than 1% of the population: the smallest such group, the Yamana with 1685 individuals, represents 0.2%.

391. According to CASEN 2000 information, most of the indigenous population lives in rural areas (62.8%), but this proportion is below that of the non-indigenous population living in urban areas (80.9%).

392. As in other countries, the indigenous population of Chile suffers more than the rest of the population from poverty and exclusion. But it must be noted that in recent years indigenous poverty levels have been reduced more sharply than those of the non-indigenous population. Roughly one-third of the country's indigenous population is living in poverty or extreme poverty (32.2%), a level that is about 12 percentage points higher than that for the non-indigenous population. Nevertheless, between 1996 and 2000 indigenous poverty levels declined by 3.4 percentage points, greater than the reduction in total national poverty over the same period (2.6%). This meant that 22,655 indigenous people escaped poverty. Despite this, however,

[191] This section is based on the MIDEPLAN document "Ethnic Groups and Poverty in Chile", prepared on the basis of CASEN 2000 survey data, Santiago, 2002.

levels of extreme poverty among indigenous peoples remained virtually unchanged during that time.

393. There are no significant gender differentials in the poverty situation. Indigenous men and women show similar levels of poverty (21.2% and 21.4% respectively). Extreme poverty is somewhat more prevalent among indigenous women than among indigenous men (11.1% versus 10.8%).

394. The higher levels of indigenous poverty reflect the lower incomes that indigenous household receive. Yet monetary subsidies to indigenous households rose between 1996 and 2000, and in both years were greater than those received by non-indigenous households[192]. This pattern reflects the special efforts that the government has made for indigenous ethnic groups, in particular through its monetary subsidies, which have been rising since 1996.

395. There are no significant differences between indigenous and non-indigenous groups in terms of their labour market participation[193]. Yet the indigenous labour force suffers higher unemployment rates[194]. Moreover, working conditions for indigenous people are more precarious: the proportion of indigenous persons working without a contract [195] or at temporary jobs [196] is somewhat higher than it is for non-indigenous workers. When it comes to social security, the differences are more pronounced, and more than half of indigenous workers are not contributors to the insurance system.

396. The indigenous population has higher illiteracy levels [197] and lower education levels than the non-indigenous population, although these differentials are lower among children and youth. This shows that inherited social differences can be overcome as indigenous children gain access to higher levels of education than their parents and grandparents enjoyed. Moreover, indigenous children and youth are given preferential attention by the State, which means that they receive a larger proportion of benefits from programmes such as the School Lunch Programme, and those that offer tools, textbooks and medical and dental care.

397. Health conditions among the indigenous population do not differ greatly from those for the non-indigenous population, but a very high proportion (80.4%) of indigenous people relies on the public health system.

398. The indigenous population has less access to some of the new information and communication technologies (Internet and mobile telephones) than the population as a whole. On the other hand, indigenous people are more likely than others to participate in organizations of various kinds.

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192 Between 1996 and 2000, the ratio between monetary subsidies and monetary incomes of poor households rose from 8.5% to 9.9% for indigenous families, and from 6.1% to 6.8% for non-indigenous families.

193 The indigenous participation rate was 54.1%, while the non-indigenous rate was 55.4% in 2000.

194 In 2000, the indigenous unemployment rate was 13.3%, while that for the non-indigenous population was 10.2%.

195 75.5% of the non-indigenous working population had a firm contract in 2000, compared with only 67.3% of indigenous working people.

196 In 2000, 15.1% of non-indigenous working people had temporary jobs, while the figure for indigenous working people was 19.2%. Conversely, 77.1% of the first group and 70.1% of the second had permanent jobs.

197 The illiteracy rate for the indigenous population is more than double that among non-indigenous people.

399. The frame of reference governing the State's responsibilities to indigenous peoples is set forth in the Indigenous Act[198], which establishes that "it is the duty of society in general and of the State in particular, through its institutions, to respect, protect and promote the development of indigenous peoples, their cultures, their families and communities, to adopt adequate measures for such purposes, and to protect indigenous lands, to see to their adequate exploitation and their ecological balance, and to encourage their expansion"[199].

400. Among the measures that the State has taken to improve living conditions for Chile's indigenous peoples we may cite the Ministry of Health's "Health and Indigenous Peoples" Programme, financed by the IDB, one aspect of which calls for the progressive development of an intercultural health model. This implies incorporating into the health model the knowledge, practices and needs of indigenous people with respect to maintaining health and treating illness, in accordance with their own concepts and culture, within a framework of respect and reciprocity.

401. In this context, and with respect to the rights of indigenous women, various health services in the country have been conducting local experiments to humanize childbirth and care for the newborn and the mother by drawing upon the traditional knowledge of indigenous culture. For example, there is a consistent demand among Aymara women to keep to traditional childbirth methods in a community setting, where they can be surrounded by a protective and emotionally supportive family environment that is obviously lacking in institutional childbirth.

402. In Iquique [200], Aymara women can now choose to be assisted by a traditional midwife in preparation for childbirth, if they so choose, at the Casa de la Familia Altiplánica, which is administered by an Aymara organization under contract to the Health Services. The Hospitals of Arica [201] and Temuco [202] make provision for indigenous newborns to be fed according to traditional methods, upon request. The Hospital of Osorno [203] has developed a project for improving the cultural relevance of childbirth for Mapuche Huilliche women.

403. The Ministry of Justice's Social Defence Division is responsible for coordinating issues relating to gender and indigenous peoples within the justice sector. For 2003 it has prepared a work plan (2003-2006) for indigenous peoples that includes actions to prevent discrimination and to provide high-quality service of cultural relevance.

404. In this context, a training programme was conducted in 2000 and in 2002 for legal aid agency officers, on "indigenous cosmovision and legislation". Since most people using the Legal Assistance Corporation are women, this training has meant a substantial improvement in the service provided to indigenous women. Among the main activities of the legal aid centres between 2000 and 2002 relating to indigenous affairs were: training and awareness for legal advisers; preparation of its information

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[198] Promulgated in October 1993.

[199] Indigenous Act, Article 1, General Principles.

[200] A city in northern Chile, First Region, with a high percentage of indigenous Aymara and Quechua people.

[201] Chile's northernmost city, on the border with Peru, First Region, with a high percentage of indigenous Aymara and Quechua people.

[202] A City in Southern Chile, Region IX, with a high proportion of indigenous Mapuche people.

[203] A City in Southern Chile, Region X, with a high proportion of indigenous Mapuche people.

and publicity materials in mapudungum[204]; and development of a legal approach based on mediation for indigenous people.

· **Girls**

405. An initiative of particular importance has been the preparation of the National Policy and Action Plan on Behalf of Childhood and Adolescence 2001-2010[205], prepared by various public agencies working with these segments of the population, in consultation with civil society organizations and international agencies, including UNICEF.

406. One of these public agencies, the National Service for Minors (SENAME), has incorporated its clients, i.e. boys and girls, as subjects covered by the human rights framework, thereby giving them equality of treatment and opportunity with adults, through programmes designed to comply with the Convention on the Rights of the Child. In this context, SENAME is strengthening programmes to provide equal opportunities for boys and girls. This involves in particular the Rights Protection Offices [206], the Child Abuse Programme [207], the Programme of Assistance for Families of Adolescents [208], and the Programmes of Defence and Legal Assistance for Adolescents [209].

407. Recognizing the importance that is now attached in Chile and worldwide to the preparation of specific policies targeted at girls, the National Service for Minors established in June 2001 a specialized working group consisting of representatives of the departments of Rights Protection, Juvenile Responsibility, and Planning. Its mission was to fulfill the commitments contained in the Equal Opportunities Plan 2001-2006, by proposing new activities within the service. The plan includes aspects relating to: promotion and awareness of women's rights and proper treatment of children; gender training for officials and professionals working with women, children and families; and specific programmes and activities for girls and their families.

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[204] The native language of the Mapuche people.

[205] For further detail on this plan, see the section on Shared Responsibility of Men and Women for the Upbringing and Development of Their Children, and Maternity as a Social Function.

[206] These local offices seek to provide comprehensive protection for the rights of children and adolescents suffering from social exclusion or violation of their rights, in order to prevent their unnecessary and indiscriminate subjection to judicial proceedings and institutionalization.

[207] This programme seeks to redress the problem of rights violations through a remedial approach. It incorporates the gender focus through a plan for individualized treatment of boys and girls. It promotes respect for children's rights in situations of physical mistreatment and sexual abuse that severely violate those rights, thereby impeding the development and integration of each boy and girl.

[208] The purpose of this programme is to create conditions that will help troubled adolescents complete school and become socially integrated by strengthening parental bonds and responsibility and providing information and services for improving the quality of life. Its technical guidelines incorporate the gender focus, recognizing that the majority of client adolescents' families are headed by women.

[209] This programme serves teenagers of both sexes between 14 and 18 years who are in trouble with the law and who are referred to SENAME offices for assistance in their social reintegration, through a process of empowerment and accountability. The technical guidelines require that legal assistance be provided to all teenagers, incorporating the gender focus as well as providing a defence facilitator.

408. The Forensic Medical Service has adopted measures to ensure full enjoyment of women's and girls' human rights, under conditions of equality with men, in the form of discussion groups and information seminars for officials dealing with women and girls who are victims of rape, sexual abuse and physical or psychological mistreatment. These initiatives have a dual purpose: first, to avoid threats, disruptions and constraints in the exercise and enjoyment of women's and girls' rights in the course of forensic tests for crimes against their sexual freedom or well-being, in terms of civil liability for injury to their physical or psychological integrity. The second is to ensure that the victims of sexual crimes dealt with in this Service, and all police officers directly involved with crimes of this type and with abuse in general, are aware of women's and girls' rights in these areas.

· Women with disabilities

409. The Chilean government first addressed disability as a priority social issue in 1990. In 1994 it promulgated Law 19,284 on the Social Integration of Persons with Disabilities. That law created the National Fund for the Disabled (FONADIS), specifically devoted to helping people with disabilities through a public agency that reports to the government via the Ministry of Planning and Cooperation (MIDEPLAN).

410. Information in the records of FONADIS, as well as statistical data, show that, from the quantitative viewpoint, the number of men and women with disabilities is proportionately the same in the general population. The number of people with some form of disability is around 780,000, or 5.3% of the total population. In terms of distribution by sex, 5.1% of men and 5.4% of women have some form of disability, i.e. the gender distribution is relatively uniform. Nevertheless, some forms of disability show more or less significant gender differentials: for example, there are proportionately more women than men with impaired sight (2.3% versus 1.4%)[210].

411. From the qualitative viewpoint, men and women are effected in different ways by disabilities, and it is women who are likely to be at a greater disadvantage, as they are in other aspects of society where gender inequalities have yet to be overcome.

412. Through FONADIS, the government of Chile has sponsored a number of initiatives, such as the Programme for Financing Technical Aids (AT). This programme pays all or part of the cost of technical aids [211] for low-income people with disabilities, or for non-profit agencies that work with them. The programme keeps data on the demand for technical aids, which is equivalent among men and women. Since 2002, it has given priority to applications from low-income female heads of households under the age of 65 years.

413. The Project Financing Programme. This programme pays all or a portion of the cost of plans, projects and programmes for persons with disabilities, giving priority to those that will assist the prevention, diagnosis, rehabilitation and social

[210] CASEN 2000.

[211] For these purposes, technical aids are understood as all those elements necessary for treating the deficiency or disability with a view to recovery or rehabilitation, or for preventing it from progressing or leading to another disability. The term also applies to devices that will compensate for one or more motor, sensory or cognitive limitations of persons with disabilities, so that they can overcome barriers to communication and mobility and function socially under normal conditions.

integration of such persons. It is important to note that there is no differentiation by sex in the target population for these projects: 87% of projects serve groups of both sexes, 5% are for women only, and 8% for men only. The situation reflects the great number of community-based projects or projects that are supplementary to programmes of the health services, municipalities, etc.

414. Given the importance accorded the gender perspective, the rules governing the Ninth National FONADIS Projects Competition in 2003 specifically include the gender dimension. Thus, the selection criteria give priority [212] to projects that take account of the gender perspective, and especially those that deal quantitatively and qualitatively with the specific problems of women with disabilities.

415. Technical support grants for low-income disabled students in intermediate education. This programme seeks to ensure equal educational opportunities and to reduce the learning gap between children with and without disabilities. In this respect, there are still barriers to the disabled in the regular Chilean education system. The gender distribution of beneficiary students in 2002 was 47% female and 53% male. While male beneficiaries are more numerous, the difference is not significant. The programme has not established any "filters" or explicit requirements for student applicants, but it is constantly monitored to ensure equality among the candidates selected.

416. Labour Intermediation Offices (OIL). The purpose of this initiative is to help disabled persons of both sexes to find work through the coordinated efforts of public and private agencies, with the direct involvement of specialized professional teams. In 2002, during its pilot phase, the programme placed 211 persons of both sexes with disabilities in various jobs in three regions of the country (Metropolitan Region, Region IV and Region VIII), exceeding the established target. Of these persons, 63% are men and 37% are women. This discrepancy shows up not only in the placement figures, but also in the registration of candidates: there are more male than female applicants. According to national statistics and studies, this inequality is repeated in the general population in terms of labour access for men and women.

417. We may say that women with disabilities are doubly discriminated against when they attempt to join the labour force, and this is particularly true for poor women. To address this situation, FONADIS will be introducing rules in the OILs, beginning in 2003, that will give priority to the woman when choosing between male and female applicants with the same level of qualifications for a given job. The immediate objective of this rule is to reduce the gender gap in the placement of men and women within the programme.

· Older women

418. It was in the early 1990s, with the restoration of democratic government, that the State began to give specific consideration to the older population as a matter of public policy. During the administration of President Aylwin, the Ministry of Planning and Cooperation (MIDEPLAN) included seniors among the vulnerable groups at which government social policies were to be targeted.

419. Prior to the 1990s, the problems of the older population were dealt with primarily by church organizations, essentially through a welfare approach. With the

[212] Extra rating points.

restoration of democracy, the government's first step was to conduct studies, compile background information, and examine experiments abroad as guidance for addressing the issue in Chile.

420. In 1995, under the Administration of President Eduardo Frei, the National Commission on Older Persons was created to assess the status of seniors and other matters relating to aging. As a result of that research, the Commission published a book. Its conclusions were so significant and convincing that the President of the Republic, through Presidential Decree 203 of 27 November 1995, created the National Committee for Older Persons. Until 31 December 2002, that Committee was the government agency responsible for advising the President of the Republic on matters relating to this age group, and other issues relating to aging. Its primary goal was to coordinate and sponsor activities in this field among the country's various public and private institutions and civil society.

421. The broad goal of national policy is to bring about a cultural change in the way the general public treats and appreciates the senior members of our society. This implies taking a new view of aging and improving living standards for all older people.

422. The National Service for Older Persons (SENAMA) [213] was created at the beginning of 2003 with responsibilities for the entire older population, and with a preferential focus on the neediest members of that group, bearing in mind their dual burdens of poverty and age. With the establishment of this service, the State apparatus now has a dedicated institution for addressing the issue of aging and the needs of older people. SENAMA's primary function is to coordinate efforts in this field with the various social ministries, services and public entities, private institutions, and civil society organizations in such important areas as health, social insurance, education, housing, culture and recreation, municipalities, private enterprise, and civil society (universities, church institutions and NGOs).

423. Following are some examples of initiatives currently underway in various fields. In housing, there is a 2% set-aside for seniors in one of the social housing programmes. In health, free care is provided for people over 65 affiliated with the public system as well as through the Flu Vaccine Programme, the Supplementary Food Programme (PACAM), and the Health Monitoring Programme for Older People. In terms of social security, pensions have been increased, pensioners have been provided with an identification card (TIP), and "winter bonuses" have been introduced. In tourism and recreation, the "Vacations Programme for Seniors", launched by the National Tourism Office (SERNATUR) is beginning its third year of operation with participation by more than 20,000 seniors. Under that programme, the government subsidizes 60% of the cost of a tourist package, while the beneficiary covers the other 40%.

424. It should be noted that the gender variable is considered here only in the sense that a greater percentage of seniors are women, and they are more likely to participate in the programmes described. To date, there is no specific policy or programme specifically tailored for either sex.

[213] Law 19,827 was published in the Official Gazette on 27 September 2002, creating the National Service for Older Persons as a decentralized public agency reporting to the President of the Republic through the Minister Secretary General of the Presidency.

· **Women with HIV/AIDS**

425. Epidemiological surveillance of HIV/AIDS, through compulsory reporting of AIDS cases and asymptomatic persons who test positive for HIV (carriers), provides data on the incidence of this disease and its epidemiological characteristics. As of September 2001, 4646 patients and 5228 persons testing HIV-positive had been reported in the country's 13 regions, and 3012 deaths had been recorded. The annual incidence of AIDS cases and of new infections reported has shown a rising trend: in 1999, the last year for which there are definitive statistics, the rate of incidence of HIV stood at 3.60 per 100,000, and that for new infections at 4.61 per 100,000[214].

426. An analysis of AIDS cases reported since the beginning of the epidemic shows that most of the victims (89.1%) are men, while women account for only 10.9%. Nevertheless, the proportion of female AIDS cases from all transmission mechanisms has been rising. Thus, the gap between the male and female AIDS rates has narrowed over time, to 5.8: 1 in 1999 (the last year for which statistics are considered definitive)[215].

427. Between 1996 and 2000, there was a steady increase in the percentage of children living with HIV who were receiving treatment covered by the Public Health System. With respect to the Protocol for the Prevention of Vertical Transmission of HIV[216], there has been a gradual increase in the percentage of pregnant women living with HIV who are receiving treatment through the public and private systems. If their basic condition so indicates, women enrolled in the public system continue with antiretroviral therapy after childbirth. Currently 100% of children covered by the Public Health System who are living with HIV have access to the required treatment, as do 100% of pregnant women living with HIV who are covered by either the public or private system.

428. Between 1996 and 2000 there was a gradual increase in the percentage of non-pregnant women enrolled in the public health system who required and were receiving antiretroviral therapy. At the end of 2002, the coverage rate was 85%. Women living with HIV who are serving prison sentences have the same access as other women to therapy and to vertical transmission prevention protocols.

429. Between 1999 and 2000 there was broad social and sectoral input into the preparation of a law banning discrimination against persons living with HIV in the workplace, in education, and in health facilities, and requiring for example that screening tests must always be conducted after counselling and with the informed and explicit consent of the patient. This law was promulgated at the end of 2001.

430. Female sex workers have access to peer education and prevention programmes and sexual health surveillance that includes strategies for the prevention of sexually transmitted diseases (STD). A 2001 study [217] on the prevalence of HIV among female sex workers monitored by the STD centres in the Metropolitan Region revealed a zero rate of HIV infection, and low incidence of STD.

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[214] Source: National AIDS Commission (CONSIDA), Ministry of Health: Epidemiological Bulletin 15, December 2001.

[215] Ibid.

[216] "Vertical transmission" refers to transmission from mother to child during pregnancy.

[217] Ministry of Health, 2001.

431. The population most at risk of infection today consists of women living in a stable partnership[218], who are not aware of the risk because of their belief in fidelity. Recognizing this, the government has stepped up its information campaign targeted at this group. However, campaigns promoting the use of contraceptives continue to face strong opposition from the more conservative segments of society [219], despite the demonstrated spread of STD.

432. Little has been done in Chile to promote women's role as health providers with respect to HIV/AIDS. The health team has given priority to securing their access to prevention services and enlisting them as peer educators, through regional intersectoral health projects.

[218] PAHO, 2000.

[219] During the last AIDS prevention campaign sponsored by the Ministry of Health in the latter months of 2003, only three of the country's six public television channels were prepared to carry government-prepared publicity spots.

Annex

Equal opportunities plan for men and women 2000-2010